

Electronic Registration Procedures Guide

Ministry of Government and Consumer Services

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Background

The Province of Ontario is the first in the world to provide a remote electronic registration system for land titles documents. Documents in an automated land titles system will be created, submitted, registered, filed and maintained in an electronic environment, with limited exceptions. These activities are performed using the e-reg™ system, part of the Teraview® gateway. Documents registered under the *Registry Act* will continue to be created and registered in paper form.

Traditionally, clients have had their documents reviewed by staff at a registration counter. This process has been effective in reducing errors prior to a document beginning the registration process; it was also necessary because the land registration system was based on a manual registration and recording procedure. Now, with the introduction of POLARIS® (Province of Ontario Land Registration Information System), together with the automation of land titles records, and the conversion of registry records to an automated land titles system, document registration has become a much more efficient process. With automated records, documents can now be created and registered electronically. The traditional check at the counter has been replaced by a check by the electronic system which verifies much of the information contained in the electronic document.

The electronic registration system is being introduced throughout the Province, land registration division by land registration division. The system was tested in Middlesex County, where the land titles conversion process was also tested and introduced. As the system is introduced in subsequent divisions, there is a transition period in which registrants will be able to register title documents both electronically and in paper form. After the transition period all documents will be registered in the electronic registration system.

Legislative Framework

The *Land Registration Reform Act* was amended in 1994 to include an additional section to enable electronic registration of documents. To implement electronic registration under Part III of the Act, the Regulations under the Act, the *Land Titles Act*, and the *Registry Act* have also been substantially amended. Initially, electronic registration applies only to documents (not plans) in designated land titles offices.

Part III of the Act removes all requirements for signatures and provides that the electronic form shall prevail over any written versions, apart from a copy of the electronic form. Instead of relying on signatures, security will be maintained through controlled access to the registration function. Supporting evidence submitted in electronic form is deemed to comply with any requirement for evidence. In many cases, supporting documentation or evidence will be replaced by specific statements made by lawyers or other parties. Documents prepared and submitted by authorized users on behalf of other parties, are deemed to be documents of those parties.

Use of POLARIS® and e-reg™ System

The e-reg system is a gateway to the POLARIS system. It has been designed to simplify the creation of land titles documents by reaching into the POLARIS database to retrieve or "import" existing data. For example, when a PIN (Property Identification Number) is entered, the description of the property will be automatically imported from POLARIS and prepopulated in the corresponding field in the electronic document. Depending on the type of document being registered, the owner's name may also be imported. Prepopulation of data from POLARIS assists only in the creation of the document; all data should be verified to ensure that it is correct.

General Requirements

This module is common to all documents registered in the Land Registration System under the *Land Titles Act*. It is divided into five sections:

- **Property**
 - Property Identification Number (PIN)
 - Source by PIN or by Instrument Number
 - Description
 - Interest/Estate
 - Parties – Adding and Removing
- **Statements**
 - Use of Statements
 - Prohibited Statements
 - Statements
 - Statement Numbers
 - Optional or Additional Statements
 - Importing
 - Evidence
 - Family Law Act and Age Statements
- **Authorization of Documents**
 - Accounts
 - Authorization of Public Guardian and Trustee
 - Authorization of Power of Attorney – Individual and Corporation
 - Authorization by a Corporation
 - Authorization by the Crown
 - Authorization by a Municipality
 - Authorization by Religious Organization
 - Authorization by Partnership
- **Signatories**
- **Registration of Documents**
 - Document Creation
 - Document Preparation
 - Combined Documents
 - Writs of Execution
 - Document must affect an interest in land
 - Registration of Documents

Every document registered electronically requires these five specific areas to be completed on line. Each module of this manual will reference this chapter for detailed instructions on how to complete these screens.

Property

The only document type for which there is no property requirement is the Power of Attorney group. These documents are registered in a different database and are not related to property.

Property Identification Number (PIN)

Every document requires a legal description. When properties are automated or have been converted to the Land Titles System, they are each assigned a unique property identification number or PIN. The PIN contains the legal description of the property.

There are two ways in which access to a PIN is obtained when a document is prepared for electronic registration:

- by entry of a PIN
- by entry of an instrument number

The term used for this action is "sourcing". This manual will describe how each specific type of electronic document should be sourced, either from property or an instrument. In addition, there are safeguards built into the system, which only allow the document to be sourced from one or the other, based on the type of document being registered.

Source by PIN or Instrument Number

If a document is being sourced by a property, each PIN against which the document is to be registered must be entered in the PIN field. The property description will then be imported from the property file in POLARIS.

If a document is being sourced by an instrument, "Sourced Instrument" must be selected and the instrument number entered in the appropriate field. The type of instrument and registration date as well as a list of PINs currently associated with that instrument will be displayed. PINs against which the new document is to be registered must be selected. An indicator of whether or not the interest affects all of the pin, a portion of the pin or none of the pin appears; the appropriate selection must be made for each pin as the system defaults to "none" where there is the option to choose "All", "Partial", or "None".

Generally speaking, if a document is related to another it is sourced by an instrument (e.g., transfer of charge, application to change the name of a chargee), whereas a document that deals with an interest in land is sourced by the PIN (e.g., transfer, charge, lease). Depending upon the type of document being created, the system will request a property or a source instrument.

Registration Number Transformation

When the paper records were automated to electronic records, prefixes and, on occasion, suffixes were added to some registration numbers on historical instruments. This was done to prevent duplication of registration numbers within an office. Due to the complexity of different registration number series that had been issued in the past, the system is programmed to perform certain rules when a registration number is entered into the system. This assists in providing the correct instrument being searched or being used as a source instrument when creating a new instrument.

One of these rules may affect the prefix and/or suffix of an instrument and the registration number may be transformed from what was entered to facilitate the system locating the correct instrument. For example, when a registration number is entered and has up to 2 alpha characters (letters) after the numbers, e.g., 1234A, 1234567MT, the system will transform the instrument number and move the alpha characters in front of the numbers e.g., A1234, MT1234567 and perform the search or populate the new instrument using the transformed number.

Previously, the system continued to display the number as it was entered and there was no message given that the number entered was transformed.

The system will now provide the following if a registration number is transformed when searching or creating a new instrument:

The messages below will be displayed when performing the following searches: Property Search by Instrument, Search Power of Attorney by Instrument, Search Highways Register or an Instrument Request, and the system transforms the registration number:

- If an instrument is found with the transformed registration number, the system will display the message “Results returned for 'LT12345'” and the message will include the transformed registration number.
- If an instrument is not found, the system will display the message “Instrument number '12345LT' was not found” and the message will include the registration number as it was entered.

The messages below will be displayed when a registration number is entered as a Source Instrument or during Maintain Source Instrument, Import Project File, Maintain Project File, Maintain Statements, and the system transforms the number:

- If an instrument is found with the transformed registration number, the message “Details of 'LT12345' have been added to the instrument” will be displayed and the system will populate the instrument with the information from the transformed instrument, e.g., LT12345. The transformed registration number will be displayed on the Registration Reports and on the Receipted or Registered Instrument.
- If an instrument is not found, the system will display the message “Instrument number '12345LT' was not found” and the message will include the registration number as it was entered.

Sourcing from a Work in Progress Document

Certain documents types will allow registrants to pre-populate the property and party information into a new document from an existing Work in Progress (WIP) document rather than from the PIN. PINs identified as ‘easement only lands’ in the WIP document will not be pre-populated into the new document. This functionality is only available on document types that source by a PIN, e.g. Transfers, Charges and does not include documents that source from another document, e.g. Discharge of Charge. See list below for the documents types that will allow sourcing from an existing WIP.

When two or more documents are being registered on the same PIN and the current description is being amended, the registrant can manually amend the description on one of the documents then pre-populate the amended description into the remaining documents. For certain document types the Party(s)To Name, Person/Company Indicator and address for service from the WIP document will be pre-populated into the Party From on the new document. The PIN status and property owner checks will not be done at the time of creation of a document that was pre-populated from a WIP. These checks will occur when the document is submitted for registration.

To choose which option to use to pre-populate information into a new document the registrant will select the document type and then select either the “Create New” or the “Create from WIP” button. Once the information is pre-populated into a document from a WIP no information will be pre-populated from the PIN. If the information is pre-populated into a document from the PIN then no information will be pre-populate from a WIP. A document can only be pre-populated with the information from one WIP but the same WIP

can be used to pre-populate the information into many documents. The documents do not have to be registered at the same time.

Only one option can be selected for creating a new document. Once a document has been pre-populated from a WIP, additional PINs can be added. When a PIN is added, the property information will be pre-populated from the PIN into the property branch. No information will be pre-populated into the Party From branch. PIN(s) can also be removed. The property information will be removed and the registrant may need to amend or remove the Party From information.

After a new document has been created from a WIP, any changes to the WIP will not be reflected in the new document. If the new document needs to reflect the changes, the information will either need to be manually entered into the new document or the document will need to be cancelled and a new document created.

There are two options available when creating new documents using an existing WIP to import the description and parties information.

1. Create New Form window

The first option is from the “Create New Form” window. The existing <OK> button will be replaced with “Create New” button. The “Create New” button will retain all the same functionalities as the <OK> button did. As per existing functionality, when a document is double clicked from the “Create New Form” window, by default this will create a new document and the information will be pre-populated from the PIN. Once a document is created by selecting the “Create New” button it cannot be changed to pre-populate information from a WIP document.

A new “Create From Existing” button will be added to this window. This button will be disabled until a document that allows pre-populating information from a WIP has been selected. The “Create from Existing” button will then be enabled. If the “Create from Existing” button is selected a new window “Select Source by WIP Instrument” is opened listing all the available WIP documents in the docket. This list can be sorted by Name, Type and Last Action. From this list of available documents select a single WIP to use to pre-populate information into the new document.

2. Instrument in Progress window

The second option is from the “Instrument in Progress” window. Once an existing WIP has been selected the “Create from Existing” option will be available. When the “Create from Existing” is selected a “Create From Existing Form” window will open. This window will only display the document types listed below that allows pre-populating information from an existing WIP. Select the document type for the new document and the information from the WIP highlighted in the “Instrument in Progress” window will be pre-populated into the document. This option will not be available if multiple documents have been highlighted in the “Instrument in Progress window”.

When a WIP document is selected to pre-populate information into a new document, for each PIN in the WIP the following information will be pre-populated into the new document:

i. The Properties Branch

- PIN
- Status
- Address, if any
- Short Description

If supported by the document being created, the Easement Only indicator will be available for each PIN.

ii The Properties Details

- Interest/Estate (if none in the WIP, default to Fee Simple)
- Current registered description as shown in the WIP document
- Reason for Change, if any (If WIP document does not have the same reason for change indicator available, then default to Re-Description)
- Amended current registered description, if any
- Municipal address, if any

iii. Party From Branch

If new document being created allows for two parties and the WIP allows for two parties then the Party(s) From in the new document will be pre-populated with the Party(s)To Name, Person/Company Indicator and address for service from the WIP document. If the new document allows for two parties and the WIP allows for one party then no information will be pre-populated into the Party From. If new document allows for only one party then no information is pre-populated into the Party From.

Documents that allow for sourcing from Work in Progress

- Application (General)
- Application Bylaw Deeming Plan Not A Plan
- Application Bylaw To Establish Public Highways
- Application Consolidation Parcels
- Application Delete Execution
- Application – Deposit Plan
- Application For Absolute Title
- Application For Inhibiting Order-Land
- Application For Restrictions Based On Court Order
- Application For Vesting Order
- Application To Amend Based On Court Order
- Application To Annex Restrictive Covenants S.118
- Application To Annex Restrictive Covenants S.119
- Application To Change Name-Owners
- Application To Register Bylaw
- Application To Register Court Order
- Application To Register Government Order
- Application Trustee In Bankruptcy-Owner
- Caution-Land
- Caution Of Agreement Of Purchase And Sale
- Caution-Land (Bankruptcy & Insolvency Act)
- Caution-Land (Estates Administration Act)
- Certificate
- Certificate Of Lien-Housing Development Act
- Charge/Mortgage
- Charge By Partnership
- Charge By Religious Organization
- Condominium Bylaw (Condominium Act 1998)
- Condominium Lien (Condominium Act 1998)
- Construction Lien
- Discharge Of Common Elements Condominium Interest
- Lien
- Notice

- Notice Of Application For Absolute Title
- Notice Of Assignment Of Rents-General
- Notice Of Change Of Address For Service-Condo
- Notice Of Change Of Address For Service-Owners
- Notice Of Lease
- Notice Of Oil And Gas Leases
- Notice Of Option To Purchase
- Notice Of Security Interest
- Notice Of Subdivision Agreement
- Notice Of Vendors Lien
- Plan Document
- Survivorship Application –Land
- Transfer
- Transfer By Partnership
- Transfer By Personal Representative
- Transmission By Personal Representative-Land
- Transfer By Religious Organization
- Transfer By Trustee In Bankruptcy
- Transmission Devisee/Heir At Law-Land
- Transfer Easement
- Transfer Release & Abandonment
- Transfer By Religious Organization
- Transfer By Trustee In Bankruptcy

Land Registry Office Documents that allow for sourcing from a WIP

- LR's Caution
- LR's Order

Description

Legal descriptions brought forward from the POLARIS system must be verified to ensure that information is correct. For instance, the municipal address is based on information obtained from other documents and may not always be correct. It should be checked and, if necessary, amended. If this information is not updated in a document, it may impact the Search by Address.

In some cases the legal description in the document may need to be changed. The electronic registration system recognizes particular reasons for changes to be made to the description field of a document. They are contained in the Reason for Change field. Refer to the table below for an explanation of the codes and when they may be used. All legal descriptions must comply with Regulation 43/96 and in some cases a reference plan may be required.

Creation of New Easements and “Easement Only” Remark

Notification of an easement can be placed on a parcel register, at the time of receipt, for those lands (known as ‘easement only lands’) that prior to Teraview 6.1 did not contain a notice of the easement until it was added to the thumbnail description at certification. Electronic documents that create new dominant and/or servient easements over other lands may include the dominant /servient PIN(s) and an indicator to identify the PIN(s) are for “Easement Only” purposes. This optional functionality allows the registrant to identify the ‘easement only lands’ in the document creating the easement and upon receipt the document will be automatically added to the instrument list of these PIN(s). The system will also add the document remark – “New Easement Only” to this entry. Upon certification of the creating document, the easement will be reflected in the thumbnail description of all the

PIN(s) and the document and remark will be removed from the instrument list of the easement only PIN(s).

The identification of 'easement only lands' is done by selecting the "Easement Only" indicator during the creation of an easement in the document types identified below. The "Easement Only" indicator is located in the Properties section beside the PIN and must be selected before the document is pre-populated with the 'Transferor/Party From' information.

If the "Easement Only" indicator is selected, a PIN for the 'easement only lands' must also be included with the document. The "Easement Only" indicator is only selected when the easement is being created over another PIN. When the "Easement Only" indicator is selected, the Properties section will pre-populate the PIN information and it will be identified "For Easement Purposes Only". This information cannot be amended. In accordance with Bulletin No. 2005-02, the registrant is required to enter a registerable description of both the dominant and servient lands pursuant to O.Reg. 43/96. The procedures outlined in Section 2.2 of that Bulletin must be followed.

Prior to Teraview 6.1 the 'easement only lands' did not contain a notice of the easement until it was added to the thumbnail description of the PIN at the time of certification. After Teraview 6.1, if the registrant chooses not to identify the 'easement only lands' in the document creating the easement the following procedures will apply.

- When easements are created in a transfer of easement, the document is registered against the servient lands and appears only in the instrument list of those PIN(s). Upon certification the easement is reflected in the parcel thumbnail description of both the dominant and servient lands. There is no notice of the easement on the dominant lands between receipt of the document and certification.
- When easements are reserved or granted in a transfer of land and the easement is being created over another PIN owned by the grantor in favour of the lands being transferred, the servient PIN will not reflect the easement until it is abstracted in the thumbnail description at the time of certification. Likewise, if the easement is created over the transferred lands in favour of another PIN owned by the grantor the dominant PIN will not reflect the easement until it is abstracted in the thumbnail description at the time of certification. There is no notice of the easement on the 'easement only lands' between receipt of the document and certification.

The following is a list of electronic documents where the Easement Only Indicator is available

- Transfer
- Transfer Easement
- Transfer By Partnership
- Transfer By Personal Representative
- Application for Absolute Title
- Application for Vesting Order
- Application Foreclosure Order
- Application to Register Court Order
- Application for Restrictions Based on Court Order
- Application to Amend Based on Court Order
- Application General
- Certificate
- Transfer by Religious Organization
- Transfer by Trustee in Bankruptcy

Electronic Registration Procedures Guide
General Requirements

Reason for Change code	To be used when	In the following documents
Add Easement	An easement/right is being added to a description	Transfer Transfer by Religious Organization Transfer by Partnership Transfer of Easement Application to Amend the Register based on a Court Order
Redescription	A document needs to be given a new description (redescription) or right to enter	Available for all documents except Application – Deposit Plan
Remove Easement	An easement is being removed from a description	Transfer, Release and Abandonment Application to Amend the Register based on a Court Order
Split	A description must be split or severed	Application General Transfer Transfer by Religious Organization Transfer by Partnership Transfer by Personal Representative Application to Amend the Register based on a Court Order Application Vesting Order Transfer under Power of Sale Transfer by Trustee in Bankruptcy Application for Leasehold Parcel
Affects Part of Property	A document is registered against part of a property or parcel of land	Most documents with the exceptions of the Transfer type group and Application - Deposit Plan
Remove S/T interest	Outstanding interests are to be removed from the description of the document being registered (see note below)	Available for all documents except Application – Deposit Plan

NOTE: When properties are converted to land titles, outstanding interests such as debts, spousal interest and writs are referenced in the property description field. These interests do not technically form part of the legal description. In some cases a client may wish to remove such a reference when registering a document against a PIN with an outstanding interest. This can be done by selecting "Remove S/T interest"; however, this will only amend the description of the document being registered and will not remove the interest from the title

description. A separate application to amend the register is required to delete the interest from the title, accompanied by evidence satisfactory to the land registrar. This application should be made prior to the registration of the electronic document.

Examples of instances where a document may contain a Redescription are: 1) where a reference plan has been deposited, which describes the whole of the PIN, or 2) where the description on a condominium unit includes a reference to the underlying geographics.

Interest/Estate

Where an interest/estate is available for selection on a document it will default to Fee Simple and can be changed. The only applicable selections are as follows: **Easement, Fee Simple with New Easement, Leasehold, Fee Simple with Surface Rights, Fee Simple with Mining Rights, Life Estate Remainder in Fee, Other**

Parties – Adding and Removing

In some cases it may be necessary to remove or add parties in the Parties field. This is done by clicking on the + (Add) or – (Remove) icon on the Toolbar. Any information that is not a requirement in the Parties To or Parties From fields, must be entered in Statement 61 - e.g. RRSP information on a charge, estate name on any document type, the name under which parties may be carrying on business (i.e. COB).

Statements

Use of Statements

Historically, for documents such as transfers under power of sale, foreclosures, and transmissions of estates, affidavit evidence has been required in support of the registration to allow land registry office staff to certify the document. Electronic registration is based on the use of prescribed statements that represent the same information formerly required on supporting affidavits. This concept has also been introduced for certain registrations in the paper environment under the Red Tape legislation. When the type of document to be registered is selected, the statements relevant to that type of document are displayed so that the document may be properly registered.

There are five types of statements available.

1. Information that forms part of a document. For example, in a transfer, the statement that the transferor transfers the land. This type of statement is programmed into the electronic document and cannot be changed.
2. Statements required to be made by the parties to the document but may vary depending on circumstances. These are displayed for the registrant's review and the appropriate one(s) must be selected (e.g., spousal statements).
3. Instrument type statements such as *Planning Act* statements, which are made once for that particular instrument.
4. Optional statements that a registrant may wish to use depending on the document type (e.g., "This document is supported by evidence which is indexed at the Land Registry Office as *Index No.*"). These types of statements are displayed by selecting "Statements" on the TreeView menu.
5. Land Transfer Tax statements. See Ministry of Revenue guides, *Land Transfer Tax and the Registration of Conveyances of Land in Ontario* and *Land Transfer Tax and the Electronic Registration of Conveyances of Land in Ontario*.

NOTE: In the system uppercase lettering and in this manual underlined wording in a statement indicates that a "Value" must be entered. This "Value" could be an instrument number, name, date or some other text.

Prohibited statements

The following statements must **not** form part of the electronic document:

- the document is submitted for registration without a prior search of title
- all recitals in the document are true
- a vendor is not a non-resident for the purpose of the *Income Tax Act* (Canada)
- the property is being acquired in trust

Statements

In the past required information was entered on a prescribed form or attached to documents as supplementary data or evidence. Now regulations require that this information be included in the form of a statement or series of statements.

Each document type has a unique statement or series of statements attached to it. These statements are described in the corresponding modules and sections of this manual. Optional statements are also available for many document types and they, too, are described in detail in the manual. Two examples of optional (or additional) statements are the following:

- 12 This transaction deals with % or fraction of property interest in the property
34 The statutory covenants are to be amended as follows: text

The system has assigned each statement a number. This number appears on-screen, beside the statement.

Statement numbers

Some statements have been assigned more than one number. The statement number is assigned based upon the party who is authorizing the document. For example: If a corporation is a Party From, the authorizing statement would be Statement 10 "I name have the authority to bind the corporation". If a corporation is a Party To and an authorizing statement is required, Statement 3544 "I name have the authority to bind the corporation" must be selected.

A transferor who is an individual (as opposed to a corporation) is required to make a statement of age, (Statement 11) and a spousal statement. A chargor in a Notice of Charge of Lease must make the same statements, but because his/her name is imported from the Parties To (Lessee) field, and not the Owner field, Statement 13 is selected as to statement of age. The system ensures that the appropriate statements are brought forward based on whether the applicant is an individual or a company.

Optional or additional statements

Schedule Statements

The most common optional statements are described below.

- 61 Schedule: Text

This statement operates similar to a blank field and is used to add more information to the document, such as terms of an agreement. Information may be keyed into this field, or imported from a word-processing package.

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness. The solicitor identified in statement 62 must be one of the lawyers to sign the document.

Land Titles Assurance Fund – Covenant

A Land Registrar may, from time to time, require any applicant for registration to indemnify The Land Titles Assurance Fund against loss by a covenant to Her Majesty the Queen. Covenants to Indemnify are to be duly signed and witnessed and the original imported into the instrument to which they relate using Statement 3640 (see below).

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

Supporting Evidence

92 This document is supported by evidence which is indexed at the Land Registry Office as index number *number*.

This statement is used when a client provides evidence to the Land Registry Office prior to the registration of an electronic document and obtains an index number, which will later be matched to the document. This statement is used only when a law statement has not been selected. If this statement is used, Land Registry Office staff review the evidence in conjunction with the document referencing the evidence and makes a determination of the acceptability of the document. The evidence filed is not available remotely; it is available at the Land Registry Office. Clients must ensure that all evidence is filed since it cannot be amended.

NOTE: Statements 61, 92 and 3640 are available for all document types for selection and statement 62 is available on all documents types for selection except Application – Deposit Plan and Application – Register Plan, if necessary, even if not shown in a particular module.

“No Dealings Indicator”

In the automated system, a “No Dealings Indicator” is available and may be placed on a parcel for various reasons. It could be a result of an investigation that the Land Registrar is doing on the property while a determination is made whether a Land Registrar’s Caution needs to be registered on title to the property. It could also be as a result of the registration of a Land Registrar’s Caution or the registration of one of the document types listed below. Once a No Dealings Indicator has been placed on the property, it has the effect of preventing most registrations. It is important to note that certain documents are permitted to be registered even though the No Dealings Indicator has been placed on a parcel. As a result the system has been designed in such a way that documents are allowed to be receipted, even when a No Dealings Indicator is on title, when specific statements (see below) are made or when certain documents are registered.

The type of registered document that places the No Dealings Indicator on title determines the type of document that is prevented from registration without first making one of the statements set out below. For example, if a Caution – Charge is registered on a parcel the intent of the document is to restrict dealings with the charge and therefore, a discharge is prevented unless one of the statements below is selected in the discharge. If the parcel has a Caution – Land registered on it, the intent of the document is to restrict dealings with the land, however another Caution – Land would not be restricted so as to allow for other

interests to be protected and therefore one of the statements below is not required for that document to be receipted.

In addition, in certain types of documents a statement referenced below is not required to be selected in order for the registration to occur. One example is a Construction Lien. A Construction Lien is not prevented because of the statutory requirement to register within a specified time frame in order for the lien to be preserved.

The following list of document types are documents that cause the No Dealings Indicator to be placed on a property for which the selection of the statements referenced below may allow the registration of subsequent documents.

Annex Restrictive Covenants S.118-Charge, displays on PIN as: RESTRICTION – CH
Application For Inhibiting Order-Charge, displays on PIN as: APL INH ORDR-CHRG
Application For Inhibiting Order-Land, displays on PIN as: APL INH ORDR-LAND
Application For Restrictions Based On Court Order, displays on PIN as: RESTRICTIONS ORDER
Application To Annex Restrictive Covenants S.118, displays on PIN as: RESTRICTION-LAND
Caution-Charge, displays on PIN as: CAUTION-CHARGE
Caution-Charge (Bankruptcy & Insolvency Act), displays on PIN as: CAUTION CH BKRUPT
Caution-Land, displays on PIN as: CAUTION-LAND
Caution-Land (Bankruptcy & Insolvency Act), displays on PIN as: CAUTION LND BKRUPT
Caution-Land (Estates Administration Act), displays on PIN as: CAU-L EST ADM ACT
Crown Lease (Public Lands Act), displays on PIN as: CRWN LEASE PLA

Selection of one of the following statements will allow certain documents to be registered when a parcel register has an active “No Dealings” Indicator on the title. The statements shown in **bold font** are law statements and can only be signed for completeness by a lawyer.

3755 In accordance with registration number, the consent of Name has been obtained for the registration of this document.

3756 The registration of this document is not prohibited by registration number.

3757 In accordance with registration number, Name has consented to the registration of this document. Import Consent

NOTE: If the consent is in the form of a Court Order, a law statement in Statement 62 must be included to indicate that the Court Order is in full force and effect.

3726 Name has consented to the registration of this document, subject to the continuance of registration no. number.

3733 Registration of this document is not prohibited by registration no. number, which prevents dealing against charge number number.

3741 This document is being registered pursuant to Inhibiting Order instrument no.

These statements will work in conjunction with each other in situations where, for example, a Restriction under S. 118 of the *Land Titles Act* has been registered on title and a new purchaser intends for that Restriction to continue. Statement 3755 would be selected to indicate that the consent of the party required by the restriction has consented and statement 3726 would be selected to represent that the new purchaser consents to the continuance of the restriction.

“Land Registrar’s Investigation”

A new type of indicator has been developed called a “Land Registrar’s Investigation”. When a Land Registrar’s Investigation is placed on a property, neither searching nor registration can be done on the property. This will ensure that no registration or search activity is done on the property while the Land Registrar conducts an investigation of the property and makes the determination whether an amendment is required on the PIN(s) or if a Land Registrar’s Cautions needs to be registered. Inquiries are to be directed to the Land Registry Office.

Importing

For most document types a schedule statement field (Statement 61) is available. This field may be used to enter information in addition to the statements (e.g., the purpose and terms to a transfer of easement). If a lengthy document such as an agreement is being created, this field may be used to import a file from a word-processing software package or to import a scanned image file into a document. Text may also be keyed directly into the Schedule statement field.

If information is to be imported into a schedule, this information should be prepared outside of the Teraview application using a word processing package. The information may be saved as txt or pdf format on your PC and imported into the electronic document through Teraview. The pdf image limit is 23.5 MB. The ability to import in tiff format no longer exists in Teraview. All existing tiff Images will not be impacted. Therefore registrants will continue to have the ability to perform the below with existing tiff schedules:

- View, Print, E-mail and courier
- View existing tiff schedules within an Instrument
- Register and Resubmit Instrument with existing tiff schedules attached (but please be aware that if an instrument has been returned for correction and the image is removed, a new tiff image cannot be attached unless the following bullet applies)
- Use the ‘Import from Existing’ feature to import existing TIFF images from a registered or receipted instrument.

Law Statements

Because some of the prescribed statements are law statements which require an interpretation of law, they may be selected by the authorized user, however, the document can only be signed for completeness by a lawyer. The law statements are distinguished in the system by the statement number being bolded and in this manual by the entire statement being bolded. A statement of fact, which does not require knowledge of the law, may be made by a person other than a lawyer.

Surveyor Statements

The documents types Application – Deposit Plan and Application – Register Plan require prescribed statements from an Ontario Land Surveyor. The statements may be selected by an authorized user, however, the document can only be signed for completeness by a surveyor. These statements are set out in the Plans Module of this guide.

Evidence

Once a document is registered in the Land Titles System and is certified, it becomes part of the record. Land Registry Office staff certify documents based on evidence. Traditionally, evidence formed part of the documents and was available for review by clients. In the electronic registration system this evidence will not form part of the document. If a registrant chooses to make use of statements, they will form part of the electronic document. If, on the other hand, the registrant chooses to file paper affidavit evidence, that evidence will not be available remotely. It will be reviewed and certified by Land Registry office staff, then microfilmed and made available for viewing purposes at the Land Registry Office.

Family Law Act and Age Statements

Family Law Act

A disposition or encumbrance subject to the provisions of the *Family Law Act* requires a spousal statement. In order to register the following documents, one of the spousal statements listed below must be made.

- Transfer
- Transfer, Release and Abandonment
- Charge
- Notice of Charge of Lease
- Power of Sale for Notice of Charge of Lease
- Application for Leasehold Parcel
- Transfer under Power of Sale

If the party dealing with an interest in one of the above-mentioned documents is an individual, a statement of age is also required.

- 01 I am not a spouse.
- 02 The property is not ordinarily occupied by me and my spouse, who is not separated from me, as our family residence
- 03 Name and I are spouses of one another and are both parties to this document
- 04 I am a spouse and I am transferring to myself to sever joint tenancy
- 05 Name is my spouse and has consented to this transaction.
- 06 The property is not designated under the Family Law Act as a matrimonial home by me and my spouse, but there is such a designation of another property as our matrimonial home which has been registered and which has not been cancelled
- 07 My spouse has released all rights under the Family Law Act by a separation agreement
- 08 **This transaction is authorized by court order under the Family Law Act, which is in full force and effect and was registered as number number.**
- 09 **The property is released from the application of the Family Law Act by a court order, which is in full force and effect and was registered as number number.**
- 28 I am separated from my spouse and the property was not ordinarily occupied by us at the time of our separation as our family residence
- 59 This transaction is subject to the spousal interest of name.
- 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.**

Statement of Age

For the document types listed above, a statement of age is required for individuals.

- 11 I am at least 18 years of age.

Authorization of Documents

In the manual system a document was signed and a staff member reviewing that document could determine by the name of the party whether or not it was signed by a person or a company. Based on that determination, staff would ensure that the proper statements were made (e.g., *Family Law Act* statements, the authority to bind the corporation statement).

Every document registered electronically must have authorization statements, which are deemed to have been made by the party(s) to the document. Prior to the submission of a document for registration in the electronic land registration system, the Account Holder shall ensure that its User has obtained evidence of proper authorization from the owner of the land or holder of an interest in the land that has directed the registration, and can provide evidence of an explicit consent from that person to release to the Director their authorization for the registration, upon request by the Director, in the event of any investigation regarding suspected fraudulent or unlawful activity or registration.

In the electronic registration system, the user must identify the entity as being either a person or a company in order for the system to bring forward the proper statements. When a party's name is entered or imported from POLARIS, an indicator will appear beside the name identifying whether the applicant is a person or a company. This information must be verified by the user. It appears on the screen as follows:

<u>Name</u>	<u>Party Type</u>
VENDOR, John Alan	<input type="checkbox"/> Person <input type="checkbox"/> Company

Accounts

To submit a document electronically, a registrant must have authorized access to the system. Each user must have a unique access key, and all registrations performed through the use of that key are traceable back to the party. The Director of Land Registration has authority under the *Land Registration Reform Act* to authorize persons to access the electronic land registration system to register documents and to establish the manner in which the authorization is assigned to those persons. Teranet has been authorized by the Director to set up and maintain registration accounts.

Authorization of Public Guardian and Trustee

If a person is a minor or legally incapable of acting on his/her own behalf, the public guardian and trustee may authorize the document by using the following statement:

14,25 I, name, have the authority to act on behalf of this party who is under the age of 18 years and/or who does not have the legal capacity to act on their own behalf.

The above statement applies to the following documents:

- Transfer
- Transfer of Easement
- Transfer, Release and Abandonment
- Charge
- Notice of Charge of Lease
- Power of Sale for Notice of Charge of Lease
- Application for Leasehold Parcel
- Transfer under Power of Sale

- Discharge

Authorization by Power of Attorney—Individual and Corporation

Most documents may be authorized by an attorney appointed under authority of a registered power of attorney. There are statements available, and the correct statement(s) must be made depending on whether the power of attorney is with regard to an individual or a corporation. If the proper indicator has been selected, the electronic registration system will ensure that the applicable statements are brought forward.

A law statement will be necessary when any document is registered under the authority of a Power of Attorney given by an individual. In these cases, a lawyer will be required to discuss the Power of Attorney with their clients and provide the requisite law statement. A law statement will not be required in documents signed under the authority of a Power of Attorney given by a corporation or a bank. In those cases, the attorney will be required to make a statement that they are acting within the scope of the Power of Attorney

Documents Executed Under Authority of a Power of Attorney Granted by a Donor that is not a Company:

The following statement must be selected with the appropriate statements in either (a) or (b):

2904, 2907 I, name say that to the best of my knowledge and belief, the power of attorney is still in full force and effect and the principal had the capacity to give the power of attorney when giving it and was at least 18 years of age when the power of attorney was executed. The power of attorney was registered as number number.

(a) Where the attorney is not a company:

2917, 2922 I, name of solicitor, confirm that I have reviewed the power of attorney with the attorney, and the attorney has confirmed that:

1. The attorney is the lawful party named in the power of attorney,
2. The attorney is acting within the scope of the authority granted under the power of attorney, and
3. To the best of the attorney's knowledge, information and belief, the power of attorney was lawfully given and has not been revoked.

(b) Where the attorney is a company:

2918, 2923 I, name of solicitor, confirm that I have reviewed the power of attorney with the attorney, and the attorney has confirmed that:

1. The attorney is the lawful party named in the power of attorney,
2. The attorney is acting within the scope of the authority granted under the power of attorney,
3. To the best of the attorney's knowledge, information and belief, the power of attorney was lawfully given and has not been revoked, and
4. At the time this document was executed, name was the position of company/bank (donee), and had the authority to bind the attorney.

Documents Executed under Authority of a Power of Attorney Granted by a Corporation/Bank:

The applicable statement to the situation being dealt with must be selected. None are law statements.

For an attorney that is a company:

- 2919, 2924
1. Power of Attorney was registered as number number.
 2. To the best of the attorney's knowledge and belief, the power of attorney is still in full force and effect.
 3. The attorney is acting within the scope of the authority granted under the power of attorney.
 4. At the time this document was executed, name was the position of (attorney) company/bank, and had the authority to bind the attorney.

For an attorney that is a named person who is not in a company:

- 2920, 2925
1. Power of Attorney was registered as number number.
 2. To the best of my knowledge and belief, the power of attorney is still in full force and effect and gives me, name, the authority to bind the donor.
 3. I am acting within the scope of the authority granted under the power of attorney.

For an attorney that is a named person or a named position in a company:

- 2921, 2926
1. Power of Attorney was registered as number.
 2. To the best of my knowledge and belief, the power of attorney is still in full force and effect and gives me the authority to bind the donor.
 3. I am acting within the scope of the authority granted under the power of attorney.
 4. At the time this document was executed, I, name, was the position of (attorney) company/bank.

If a document is not signed under the authority of a power of attorney, select the statement below.

2906, 2909 This document is not authorized under Power of Attorney by this party.

The general rule is that a party with a delegated authority cannot transfer that authority to a third party; the only exception is a document that is signed by a personal representative and in this case, other specific statements are required. See the Estates Module for more information.

Authorization by a Corporation

A document authorized by a corporation must contain the following statement:

10,18,3544 I, name, have the authority to bind the corporation.

Authorization by the Crown

A document authorized by the Crown must contain the following statement:

3734, 3735 This document is being authorized by a representative of the Crown

Authorization by a Municipality

A document authorized by a Municipality must contain either of the following statements:

3742,3743 This document is being authorized by a Municipal Corporation name of authorized person(s)

10,18,3544 I, name, have the authority to bind the corporation.

Authorization by Religious Organization

A document authorized by a religious organization must contain one of the following statements:

26,32 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.

27,33 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.

15,30 The signing persons are sufficient to bind the said religious organization and all relevant provisions of the relevant Act have been complied with

OR if the religious organization is incorporated, the following statement is required.

10,3544 I, name, have the authority to bind the corporation

Authorization by Partnership

When a partnership is either a Party To or a Party From in a document, the partnership must be identified.

Partnership Property

Partnership as a Party To

When creating a document in which a partnership is a Party To, the partners and firm name must be set out in the document by selecting and completing Statement 46.

46, 4059 I am a partner, the firm name of the partnership is name.

Each partner must complete the statement and select the **Partner** capacity from the drop down list. This provides the necessary information for the land registry office to update the records in the appropriate manner.

For example, a Transfer to a Partnership would identify the names of the partners and the firm name of the partnership. The Ownership Field in POLARIS will then be updated by the land registry office to include the partners and the firm name of the partnership in order that the proper checks can be done on a subsequent document.

Partnership as a Party From

When creating a transfer in which a partnership is a Party From, each partner and the firm name must be set out individually as a Party From. In some circumstances, the names of the partners and the firm name are prepopulated as Parties From from POLARIS or from an existing instrument.

The following statement must be selected by each partner.

43 I am a partner

The following statement must be selected for the firm name.

54 This is the firm name of the Partnership/Limited Partnership

Limited Partnership Property

Limited Partnership as a Party To

When creating a document in which a limited partnership is a Party To, the general partners and the firm name of the limited partnership must be set out in the document by selecting and completing Statement 51.

51, 4060 I am a general partner, the firm name of the Limited Partnership is (enter firm name).

Each general partner must complete the statement and select the **General Partner** capacity from the drop down list. This provides the necessary information for the land registry office to update the records in the appropriate manner.

For example, a Transfer to a Limited Partnership would identify the names of the general partners and the firm name of the Limited Partnership. The Ownership Field in POLARIS will then be updated by the land registry office to include the general partners and the firm name of the partnership in order that the Party From information is correctly prepopulated on a subsequent document.

If there is a requirement for any document to be authorized by either both parties to the document or just the Party To, the following statement is available for the general partner to select.

44 This transaction is for a partnership purpose within the meaning of the *Limited Partnerships Act*

Limited Partnership as a Party From

When creating a document in which a limited partnership is a Party From, in some cases, such as a Transfer, the general partners and the firm name of the limited partnership will be prepopulated from the current ownership field in POLARIS or from an existing instrument. For a document in which this information is not prepopulated from POLARIS, for example a Notice under Section 71, each general partner and the firm name must be set out individually as a Party From.

The following statement must be completed for each general partner.

48 I am a general partner.

The following statement is an optional statement and may be selected by one of the general partners if they are authorized under the *Limited Partnerships Act*. If this statement is not selected by any of the general partners, each of the limited partners must be identified, consent to and authorize the document in Statement 61. If the limited partners are

individuals, a statement of age and spousal status is required. These statements should also be made in Statement 61.

- 45 This transaction is for a partnership purpose within the meaning of the *Limited Partnerships Act*.

In addition, the following statement applies to the firm name and must be selected.

- 54 This is the firm name of the Partnership/Limited Partnership.

Signatories

Once the document has been created, the Signatory screen must be completed. This screen provides for the authorization of the completeness and release of the document.

Once a document has been prepared it must be electronically signed. A document may be a "one-party" or "two-party" document; and therefore may require electronic signatures for one or both parties to the transaction. For example, for a transfer, which is a two-party document, it is necessary to electronically sign the document on behalf of both the transferor and the transferee.

When dealing with the electronic signature, the clients must sign it for completeness and/or release and identify the party on whose behalf they are acting. Select "Instrument" from the menu bar, and from the drop down list, select "Sign". A signature window will appear which displays the type of signature, i.e. completeness or release and on whose behalf the document is being signed. A document can only be signed once the document has been fully completed.

If the document is a one-party document, it is only necessary for the party who prepared the document to electronically sign it for completeness. This has the same effect as signing for completeness and release on an electronic document that requires two signatures.

The selection of signatories from the tree view menu indicates the status of the electronic signatures pertaining to the document.

When all parties are satisfied that the document has been properly completed, it is submitted for registration.

If a document requires an amendment after it has been submitted for registration, registrants must ensure that the proper authorization for resigning and resubmitting has been obtained.

General Authority Statement

General Authority non-law statements are required in every electronic document. The system will display the appropriate statement depending on the document type and which party the registrant has identified they are acting on behalf of. This statement is mandatory and is selected on the signature window at the time when the signature for completeness is being applied to the document. The purpose of the statement is to confirm that the registrant has the authority to create and register the document on behalf of the party for whom they are acting. The Registration Agreement that all Account Holders execute requires that prior to the submission of a Transfer, Charge, Discharge or Power of Attorney for registration in the electronic land registration system, the Account Holder shall ensure that its User has obtained evidence of proper authorization from the owner of the land or holder of an interest in the land that has directed the registration and can provide evidence of an explicit consent

from that person to release to the Director their authorization for the registration, upon request by the Director, in the event of any investigation regarding suspected fraudulent or unlawful activity or registration. A signed Acknowledgement and Direction from the party should meet this requirement. The statements are identified below, however as mentioned above, the system will only display the statements relevant to the information provided.

The statements will appear on a tab labeled "Authorization Statements" on the signature window when the user selects to sign the document. The statements will not display and the tabs are greyed out until the selection is made that the document is being signed for completeness and whether it is being signed on behalf of the 'Party From', the 'Party To' or that it is being signed on behalf of 'Both'

Authorization Statements on Documents that are 2 party where 2 signatories are required:

Statements available when signing on behalf of the Party From:

- 5051 I have the authority to sign and register the document on behalf of the Applicant(s).
- 5052 I have the authority to sign and register the document on behalf of the Party From(s).
- 5056 I have the authority to sign and register the document on behalf of the Transferor(s).

Statement available when signing on behalf of the Party To:

- 5053 I have the authority to sign and register the document on behalf of the Party To(s).
- 5058 I have the authority to sign and register the document on behalf of the Transferee(s).

Statement available when signing on behalf of Both parties:

- 5054 I have the authority to sign and register the document on behalf of all parties to the document.

Authorization Statements on Documents that are 2 party where 1 signature is required:

- 5051 I have the authority to sign and register the document on behalf of the Applicant(s).
- 5052 I have the authority to sign and register the document on behalf of the Party From(s).
- 5055 I have the authority to sign and register the document on behalf of the Chargor(s).
- 5057 I have the authority to sign and register the document on behalf of the Cautioner(s).
- 5059 I have the authority to sign and register the document on behalf of the Owners(s).
- 5060 I have the authority to sign and register the document on behalf of the Trustee(s).

Authorization Statements on Documents that are 1 party:

- 5051 I have the authority to sign and register the document on behalf of the Applicant(s).

Law Statements for Transfer of Title Documents

Most transfer of title documents will require two different lawyers to sign for completeness, one for the transferor and one for the transferee. These requirements do not apply to other types of interests. Transfers of easements, for example, do not need a lawyer to sign for completeness and no law statement will be required.

The exceptions to this requirement, where only one lawyer will be required to sign a transfer of title, are outlined below:

- Transfers where the transferor and transferee are the same, and
 - a) The transfer is to effect a change in legal tenure; or
 - b) The transfer is to effect a severance of land prior to a certain expiry date;
- Transfers from an estate trustee, executor or administrator to a person who is beneficially entitled;
- Interfamily transfers related party transfers and transfers occurring in remote communities. In these circumstances one lawyer may sign a new statement stating that he/she is signing for both the transferor and transferee and that the transfer is being completed in accordance with the lawyer's professional standards. The Law Society has recently passed new Rules of Professional Conduct to address this situation.

Government transfers where land is acquired or disposed of by the Crown in Right of Ontario or the Crown in Right of Canada, including any Crown corporation, or any agency, board or commission of the Crown; or by a municipal corporation will not require a lawyer to sign for completeness.

For a Transfer when Land is being acquired or disposed of by Government:

The following statement is available for selection in the appropriate situations. The statement is only available for selection on the Instrument level statement branch of the document. In addition, this statement will print in the statements portion of the printed document. A lawyer is not required to sign the document for completeness, and the statements listed below will not be available for selection.

- 4046 The land is being acquired or disposed of by the Crown in Right of Ontario or the Crown in Right of Canada, including any Crown corporation, or any agency, board or commission of the Crown; or a municipal corporation.

Statements For Transfer Documents:

With the exception of a transfer specified above, the solicitor(s) must select one of the applicable statements set out below from the appropriate tab. Depending on the situation, the statements will either be found on the tab labelled "Unique Lawyer Statements" or the tab labelled "Exemption Law Statements". The statements will not display and the tabs are greyed out until the selection is made that the document is being signed for completeness and whether it is being signed on behalf of the 'Party From', the 'Party To' or that it is being signed on behalf of 'Both'. The system will default to the "Authorization Statements" tab.

The solicitor signing on behalf of Party From must select the following statement on the "Unique Lawyer Statement" tab:

- 5041 I am the solicitor for the transferor(s) and I am not one and the same as the solicitor for the transferee(s).**

The solicitor signing on behalf of Party To must select the following statement on the "Unique Lawyer Statement" tab:

5042 I am the solicitor for the transferee(s) and I am not one and the same as the solicitor for the transferor(s).

OR

The solicitor signs on behalf of Both and must select one of the following statements on the "Exemption Law Statements" tab:

5043 I am the solicitor for the transferor(s). The transferor(s) and the transferee(s) are one and the same, and the transfer is being made to effect a change in legal tenure.

5044 I am the solicitor for the transferor(s). The transferor(s) and the transferee(s) are one and the same, and the transfer is being made to effect a severance of the land prior to the expiry of a consent granted under the *Planning Act*.

(Note: if statement 5044 is selected, the following non-law statement must also be selected: 4048 "The name has consented to the severance herein. (import image).)

5045 I am the solicitor for the transferor(s). The transferor(s) and the transferee(s) are one and the same, and the transfer is being made to effect a severance of land pursuant to a municipal by-law registered as number.

5049 I am the solicitor for the transferor(s) and the transferee(s), and this transfer is being completed in accordance with my professional standards.

For Registration of a Transfer by Personal Representative:

All of the above statements are available for this document type. In addition, the following Exemption Law Statement is available for selection in lieu of the above statements, when signing on behalf of Both:

5047 I am the solicitor for the transferor(s). The transfer is from an estate trustee, executor or administrator to a person who is beneficially entitled.

Registration of Documents

Document Creation

The system has been designed to register documents either contained in a "group type" or specifically set out in the following list.

Transfer

- Transfer
- Transfer by Partnership
- Transfer by Person Representative
- Transfer by Religious Organization
- Transfer by Trustee in Bankruptcy
- Transfer Easement
- Transfer, Release & Abandonment
- Transfer: Power of Sale

Charge

- Charge by Partnership
- Charge by Religious Organization
- Charge/Mortgage
- Notice of Charge of Lease

Discharge of Charge or Other Interest

- Application to Delete Housing Dev.Lien
- Discharge of an Interest
- Discharge of Charge
- Discharge of Common Element Condominium Interest
- Discharge of Condominium Lien
- Application to Delete Construction Lien

Application (General)

Application Consolidate Parcel

Application to Delete Execution

Application Vesting Order

Application Foreclosure Order

Application to Register a Court Order

- Application to Amend Based on Court
- Application for Restrictions Based on Court Order
- Application to Register Court Order

By-Laws & Government Order

- Application By-Law Deeming Plan not a Plan
- Application By-Law to Establish Public Highways
- Application to Register By-Law
- Application to Register Government Order
- Condominium By-Law (Condominium Act 1998)

Cautions

- Cautious-Charge
- Cautious-Land (Estates Admin. Act)
- Renew –Cautious
- Withdrawal of Cautious
- Cautious – Land**
- Cautious of Agreement of Purchase and Sale
- Cautious – Land
- Cautious-Notice

Certificates

Change of Name Application

- Application to Change Name – Instrument
- Application to Change Name – Owners

Compliance Subdivision Agreements

- Compliance of Subdivision Agreement
- Partial Compliance of Subdivision Agreement

Death of Owner Applications

- Survivorship Application – Charge
- Survivorship Application – Land
- Transmission By Personal Representative – Charge
- Transmission By Personal Representative – Land
- Transmission By Devisee/Heir at Law – Land

Inhibiting Orders

- Application for Inhibiting Order – Charge
- Application for Inhibiting Order – Land
- Application to Delete Inhibiting Order

Lease or Interest in a Lease Documents

- Application for Leasehold Parcel
- Notice of Assignment of Lessee's Interest in Lease
- Notice of Assignment of Lessor's Interest in Lease
- Notice of Determination/Surrender of Lease
- Notice of Lease
- Notice of Oil and Gas Lease
- Notice of Sublease

Liens

- Certificate Lien-Housing Development Act
- Condominium Lien (Condominium Act, 1998)
- Construction Lien
- Lien

Notice of Change of Address for Service

- Notice Change of Address for Service Condominium
- Notice Change of Address for Service - Instrument
- Notice Change of Address for Service - Owner

Notice of Option to Purchase

Notices

- Notice of Assignment of Rents - Specific
- Notice of Assignment of Rents - General
- Notice of Security Interest
- Notice of Subdivision Agreement
- Notice of Vendor's Lien
- Notice Under Section 71 of Land Titles Act

Plans

- Plan Document
- Application – Deposit Plan
- Application – Register Plan

Postponement of Interest

Power of Attorney

- Power of Attorney
- Revocation of Power of Attorney

Restrictive Covenants

- Annex Restrictive Covenants S.118 - Charge
- Application to Annex Restrictive Covenants S.118
- Application to Annex Restrictive Covenants S.119
- Application to Delete Restrictions

Title Application Documents

- Application for Absolute Title
- Notice of Application for Absolute Title

Transfer of Charge

Trustee in Bankruptcy Application

- Application Trustee in Bankruptcy – Instrument
- Application Trustee in Bankruptcy – Owner
- Cautious – Charge (Bankruptcy & Insolvency Act)
- Cautious – Land (Bankruptcy & Insolvency Act)

As shown above, some of the instrument groups contain more than one type of document. When that group is selected users are able to choose the specific type of document they require. Based on the selection, the screens displayed will contain the fields and statements appropriate for the registration of that document. For example, all the transfer type documents are contained in the transfer group. To register a transfer of easement or a transfer under power of sale, select the first group—Transfer. A drop-down list of all transfer types will be displayed and the user will be required to choose the appropriate one. The text and related statements that apply to that document will appear in a series of screens to ensure the proper completion of the document.

If the document to be registered is not included in the list, either the Application General or the Notice under Section 71 of the *Land Titles Act* may be used if applicable. A screen with minimal information is displayed in which data may be entered in the free form text field.

When a document is submitted for registration, it is automatically receipted, assigned a number, and partially abstracted. Staff then review it to ensure it meets registration requirements, make any necessary amendments to the abstracting and certify the document and PIN.

Document Preparation

Signatures on the traditional paper document have been replaced by authorization by the account holder. When a document is prepared by a person on behalf of another party or a document is transcribed under Section 25 of the *Land Registration Reform Act*, it is deemed to have been made by that party. Section 25 authorizes land registrars to transcribe paper documents into electronic format (for one-time users, construction liens, etc.). Regular users are expected to use the electronic registration system.

The electronic registration system accesses information from either the property file in POLARIS or from an instrument registered in the POLARIS system. How the document is sourced depends on the type of document being registered. For detailed information, see General Requirements.

An electronic document may be submitted for registration by:

- entering the document in its entirety, importing a file from a word-processing package or importing a scanned image
- entering the basic text (e.g., the application or notice) and/or importing additional documentation that may be required to form part of the document e.g. agreement), or indexing supporting evidence in paper form for review by Land Registry Office staff (e.g., affidavits in support of a transfer under power of sale)
- submitting a document to Land Registry Office staff in order for them to transcribe the information into an electronic format.

For an electronic document to be registered it must contain the following information:

- the date the preparation of the document was completed
- the date the land registrar received the document for registration
- a legal description of the land affected by the document which must comply with Section 142 of the *Land Titles Act*
- the names of the parties to the document
- a complete postal address for service for either the person claiming or obtaining an interest under the document or his/her solicitor
- the name, address, telephone number and fax transmission number of the person who prepared the document
- the name, address, telephone number and fax transmission number of the person who submitted the document

- a municipal address, if any, for the land affected by the document
- if the document is executed under a power of attorney, :
 - A law statement will be necessary when any document is registered under the authority of a Power of Attorney given by an individual. In these cases, a lawyer will be required to discuss the Power of Attorney with their clients and provide the requisite law statement.
 - A law statement will not be required in documents signed under the authority of a Power of Attorney given by a corporation or a bank. In those cases, the attorney will be required to make a statement that they are acting within the scope of the Power of Attorney
 - the principal was at least 18 years old and had the legal capacity to give the power of attorney when giving it; and,
 - the power of attorney is in full force and effect.
- if the document is made by a corporation, a statement by the person acting for the corporation that the person is authorized to bind the corporation
- the type, registration number, and date of registration of every other document that, once the present document is registered, will no longer affect or will cease to affect the land (e.g., superseded transfer, charge, transfer of charge, change of name, notice)
- all additional information required given the type of document being registered
- all other information the Director of Land Registration considers necessary to:
 - establish the interest claimed by the parties to the document
 - ensure that the parties to the document have complied with the *Land Registration Reform Act*, the *Land Titles Act* and any other Act dealing with title to, or interests in, land affected by the document
 - enable the proper maintenance of Land Registry Office records for the land affected by the document.

See Sections 5, 6, 7, and 9 to 39.1 inclusive of the Director's Regulation pertaining to information required for each specific document.

Combined Documents

A separate document must be registered for each distinct and different type of interest or transaction. Apart from the exceptions described below, separate types of interest that are combined in one document will not be accepted for registration. This is a change from today's practice in which some combined documents containing two separate interests are assigned two numbers, two fees are charged, and the interests are separately recorded (e.g., for restrictions contained in a transfer, an application to change name).

The only exceptions to the combined document rule in the electronic registration system are the following:

- a multiple transfer of charge (a transfer by the same transferor to the same transferee)
- transmission applications involving two or more estates (material related to the previous estate(s) is treated as evidence in support of the application)
- a power of attorney that includes the revocation of an existing power of attorney
- a discharge of mortgage that includes evidence relating to a change of name of the mortgagee or the death of a mortgagee (e.g., a certificate of appointment of estate trustee, death certificate).

As a general rule, where an owner of an interest in land acquires the fee of the land (e.g. easements, charges, restrictions) the interest will not automatically merge in fee and a separate document requesting the merger will be required.

Writs of Execution

When document types requiring a search for outstanding writs of execution are submitted for registration, the system will, in most cases, automatically perform the search and provide the statements for clearing the writ, where appropriate. If the name has the same surname and one same given name as the name of the judgment debtor, the parcel register will be made subject to that writ, unless a writ clearing statement is selected. (Refer to the Executions module for more information)

In the event the Writs System is down, you may wish to complete a registration that requires a writ search. This can be accomplished by selecting Statement 3728 below. This is a statement of law and can only be completed by a lawyer.

3728 I acknowledge the writs system is unavailable and this registration is being registered subject to a writ search.

Document must affect an interest in land

As in the manual system, only documents that transfer, charge, discharge, create, release, or in any other manner affect an interest in land, may be registered electronically. Documents must comply with all relevant legislative and regulatory provisions under the Acts governing title to, or an interest in, the land.

Registration of Documents

When the Signatories section has been completed the document may be submitted for registration. Once the Register icon is selected, the Register screen will appear and will identify the Instruments in Progress. The document must then be transferred to the Instrument for Registration field. Select "Register" and the document will be submitted for registration.

Order of Registration

The same process applies if a transaction involves the registration of more than one document; however, the order in which the documents are to be registered must be identified. Select the "Register" icon; the documents will be displayed in the Instrument in Progress field. The documents must then be transferred from the Instrument in Progress field to the Instruments for Registration field in the **order of priority**. Once this order has been established, select "Register", and the documents will be submitted for registration.

Transfers

The *Land Registration Reform Act* defines a transfer as a conveyance of freehold or leasehold land. A transfer may include a deed or transfer under the *Land Titles Act* but does not include a lease or charge.

The electronic registration system recognizes a document type group dealing with transfers. Specific transfer types are listed separately because they require additional or different statements or evidence to meet registration requirements. In order for the relevant statements to be displayed, the specific transfer must be selected.

The system distinguishes between the following transfer types:

- transfer
- transfer by personal representative*
- transfer by trustee in bankruptcy
- transfer under power of sale*
- transfer by religious organization
- transfer by partnership
- transfer of easement*
- transfer, release and abandonment.*

Transfer types denoted with (*) are dealt with in separate modules. See the appropriate module for further information. This module will deal specifically with those transfers not marked with an (*). If additional information is required, Statement 61 should be used. E.g. Transfer to an estate - enter estate trustees as the "Party(s) To" and the name of the estate in Statement 61.

Transfer

According to the *Land Registration Reform Act* - Electronic Registration Regulation, a Transfer must contain:

- a statement of the consideration for which it was made
- a statement of the interest or estate transferred
- a statement that the transferor transfers the land that it affects
- unless the transferor is a corporation, a statement by the transferor that the transferor is at least 18 years old
- unless the transferor is a corporation, a statement of spousal status under the *Family Law Act* by the transferor
- unless the transferee is a corporation, the date of birth of the transferee
- a statement of consideration under the *Land Transfer Tax Act*.
- **Most** transfers require law statements that a solicitor has signed for completeness.

The following statement has been programmed to form part of the electronic document. It cannot be changed.

The transferor(s) hereby transfers the land to the transferee(s).

Property (s)

Once the PIN has been entered, data from the Property file in POLARIS is imported into the document. If the transfer affects more than one PIN, add each PIN. For details see General Requirements, Property section.

If two or more parcels of land are to be consolidated, an application to consolidate must be registered before the transfer. See the Applications module, Application to Consolidate Parcels section.

Creation of New Easements and “Easement Only” Remark

Notification of an easement can be placed on a parcel register, at the time of receipt, for those lands (known as ‘easement only lands’) that prior to Teraview 6.1 did not contain a notice of the easement until it was added to the thumbnail description at certification. This optional functionality allows the registrant to identify the ‘easement only lands’ in the document creating the easement and upon receipt the document will be automatically added to the instrument list of these PIN(s). The system will also add the document remark – “New Easement Only” to this entry. Upon certification of the creating document, the easement will be reflected in the thumbnail description of all the PIN(s) and the document and remark will be removed from the instrument list of the easement only PIN(s).

Please refer to the Easement Module for details.

Interest/Estate

The interest/estate defaults to Fee Simple. The interest/estate may be changed during the creation of the document. If an easement is being created in the transfer select “Fee Simple with New Easement.”

Transferor(s)

The name(s) of the transferor (s) is imported into the document automatically from POLARIS or an existing instrument.

In some cases it may be necessary to amend the data contained in the Transferor(s) field; for example, when only one transferor is dealing with his/her interest. If only part of an interest/share is being transferred, the percentage or fraction must be entered in Statement 12.

If the name of the transferor(s) is not the same as the name on the parcel register, the appropriate document must be separately registered before the interest is transferred (e.g., Application to Change Name, Survivorship Application, Transmission Application, Application to Register Trustee in Bankruptcy).

NOTE: If the name has been previously registered in the same Land Registry Office, a separate application to change name is still required. The required evidence may be a recital of an application that has been previously registered, since the actual evidence or statements would have formed part of that document.

Family Law Act and Age Statements

If transferor is an individual

If the transferor is an individual, information regarding their age is required. Select the following statement.

11 I am at least 18 years of age.

If document authorized by public guardian and trustee

If the document is being authorized by the public guardian and trustee, select the following statement and enter the required information:

- 25 I, name, have the authority to act on behalf of this party who is under the age of 18 years and/or does not have the legal capacity to act on their own behalf.

Statements pursuant to Family Law Act

Statements pursuant to the *Family Law Act* are required. Select the applicable statement from below.

- 01 I am not a spouse.
02 The property is not ordinarily occupied by me and my spouse, who is not separated from me, as our family residence.
28 I am separated from my spouse and the property was not ordinarily occupied by us at the time of our separation as our family residence.
03 Name and I are spouses of one another and are both parties to this document.
04 I am a spouse and I am transferring to myself to sever joint tenancy.
05 Name is my spouse and has consented to this transaction.
06 The property is not designated under the *Family Law Act* as a matrimonial home by me and my spouse, but there is such a designation of another property as our matrimonial home which has been registered and which has not been cancelled.
07 My spouse has released all rights under the *Family Law Act* by a separation agreement.
08 **This transaction is authorized by court order under the *Family Law Act* which is in full force and effect and was registered as number number.**
09 **The property is released from the application of the *Family Law Act* by a court order which is in full force and effect and was registered as number number.**
59 This transaction is subject to the spousal interest of name.
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.**

Authorization of Transfer

Every transfer registered electronically must contain authorization statements which are deemed to have been made by the party. Select the appropriate statement from below.

If transferor is a corporation

If the transferor (s) is a corporation, the following statement must be made:

- 10 I, name, have the authority to bind the corporation.

If transferor is the Crown

If the document is authorized by the Crown (provincial or federal), select the following statement:

- 3734 This document is being authorized by a representative of the Crown

If transferor is a Municipal Corporation

If the document is authorized by a Municipal Corporation, select one of the following statements and enter the required information:

3742 This document is being authorized by a Municipal Corporation name of authorizing person(s).

10 I, name, have the authority to bind the corporation.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

Dealing with Fraction of Property

A transfer by a part owner of all of their interest does not have to set out the percentage or fractional share being transferred. Where the parcel register specifies the owner's share (e.g. one-third share), the transfer may indicate that the transferor's entire share is being transferred. Where only a part of one's interest is being transferred, the percentage or fractional share must be specified in Statement 12.

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

If one or more of several owners are transferring all of their share(s)/interest(s) to their co-owner, select the following statement.

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

If one or more of several owners are transferring a portion of their share(s)/interest(s) to their co-owner, select the following statement.

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

NOTE: Where ownership of a property was obtained by multiple parties in a transfer that did not specify shares, a transfer may be submitted for registration and must include a statement by all the owners specifying the transferor's shares. The co-owners may make the statement of ownership in Statement 61 along with a law statement in Statement 62 confirming that all of the owners have consented to the statement of shares.

Other Statements

For a Transfer when Land is being acquired or disposed of by Government:

The following statement is available for selection in the appropriate situations. The statement is only available for selection on the Instrument level statement branch of the document. In addition, this statement will print in the statements portion of the printed document. A lawyer is not required to sign the document for completeness.

4046 The land is being acquired or disposed of by the Crown in Right of Ontario or the Crown in Right of Canada, including any Crown corporation, or any agency, board or commission of the Crown; or a municipal corporation.

Transfer by Religious Organization

If the instrument type selected is a "Transfer by Religious Organization", age and spousal or *Family Law Act* statements are not required. One of the following authorization statements must be selected.

- 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.

OR, if the religious organization is incorporated, use the Transfer type document.

Additional Statements:

Most transfer of title documents will require two different lawyers to sign for completeness, one for the transferor and one for the transferee. Please refer to the Law Statements for Transfer of Title Documents section for more information on these statements and any exceptions.

Transfer by Partnership

If the instrument type selected is a "Transfer by Partnership" the relevant authorization statement must be selected.

There are two instances of properties held by partners:

- Partnership Property
- Limited Partnership.

When transferring properties held in either of these capacities, consideration must be given to the authorizing partnership statements.

Partnership Property

Partnership as a Party From

When creating a transfer in which a partnership is a Party From, each partner and the firm name must be set out individually as a Party From. The names of the partners and the firm name are prepopulated as Parties From from POLARIS or from an existing instrument. ,

The following statement must be selected for each partner.

- 43 I am a partner

The following statement applies to the firm name and must be selected.

- 54 This is the firm name of the Partnership/Limited Partnership.

Limited Partnership

Limited Partnership as a Party From

When creating a transfer in which a limited partnership is a Party From, each general partner and the firm name must be set out individually as a Party From. The general partners and the firm name of the limited partnership will be prepopulated from the current ownership field in POLARIS or from an existing instrument. .

The following statement must be completed for each general partner.

- 48 I am a general partner.

The following statement is an optional statement and may be selected by one of the general partners if they are authorized under the *Limited Partnerships Act*. If this statement is not selected by any of the general partners, each of the limited partners must be identified, consent to and authorize the document in Statement 61. If the limited partners are individuals, a statement of age and spousal status is required. These statements should also be made in Statement 61.

45 This transaction is for a partnership purpose within the meaning of the *Limited Partnerships Act*.

In addition, the following statement applies to the firm name and must be selected.

54 This is the firm name of the partnership/limited partnership.

NOTE: If there is not a firm name for the General and Limited Partnership, this can be stated in Statement 61. (e.g. "There is no firm name for the partnership")

Writ Statements for Firm Name

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 search for writs of executions will be made against the partnership name by the registrant. If a writ is found, the writ information will be entered on the writ tab for the "Transferor". Select the applicable statement below. Both are law statements and can only be signed for completeness by a lawyer. Enter the information required.

If the search for executions by the registrant produces a Clear Certificate, the following writ statement must be selected and completed. The solicitor signing the document will include their name in the statement to confirm that the appropriate parties' names were searched.

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 (name) confirm the appropriate party(ies) were searched.

If the search for executions by the registrant produces an Execution Certificate and identifies writs against the name searched, the following writ statement is to be selected and completed. The solicitor signing the document will include their name in the statement to confirm that the appropriate parties' names 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 (name) confirm the appropriate party(ies) were searched.

In addition, the writ number(s) and the name(s) searched will need to be entered on the writ tab and the appropriate writ statement selected from the list. -

The following new writ clearing statement will be available to address a situation where there is an applicable writ but it is being cut out by the document, e.g. Foreclosure.

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

Additional Statements:

Most transfer of title documents will require two different lawyers to sign for completeness, one for the transferor and one for the transferee. Please refer to the Law Statements for Transfer of Title Documents section for more information on these statements and any exceptions.

Transfer by Trustee in Bankruptcy

A transfer by a trustee in bankruptcy is similar to a general transfer. However, age, spousal (or *Family Law Act*) and power of attorney statements are not required. In addition, the following statement has been programmed to form part of the electronic document and cannot be changed.

The trustee is authorized under the Bankruptcy and Insolvency Act (Canada) to transfer land.

NOTE: A Conveyance from Trustee in Bankruptcy and remaining owner. The remaining owner is entered as a Party From and particulars (age, spousal, power of attorney if applicable) are to be incorporated into Statement 61. An execution search must be performed for the remaining owner.

Additional Statements:

Most transfer of title documents will require two different lawyers to sign for completeness, one for the transferor and one for the transferee. Please refer to the Law Statements for Transfer of Title Documents section for more information on these statements and any exceptions.

Writs

Writs of Execution

A search for writs of execution against the transferor(s) is performed automatically by the system with the exception of a Transfer by Personal Representative, Transfer by Trustee in Bankruptcy, and a Transfer Power of Sale. If a writ is found, the results of the search are displayed, and the system will default to the statement that the property is subject to the writ. See the Executions module for more information.

If the name of the registered owner on the parcel register has the same surname and one same given name as the name of the judgement debtor, the parcel register is subject to any writ issued against the judgement debtor, **unless** during the registration process one of the statements below is selected for each writ displayed.

An individual may make a statement if the principal amount of the writ is less than \$50,000. If the principal is more, a solicitor's statement or a statement by the judgement creditor is required.

General Writ Statements

- 807 This document is supported by evidence. (Proceed to Statements Tab and complete Statement 92)
- 803 I am not the party in the writ and the judgement is less than \$50000.
- 805 The party is not one and the same as the party named in this writ and the judgement was less than \$50000.
- 814 This property is subject to this writ.

Statements by a Solicitor

- 804** A complete, unconditional and unqualified release from the judgement creditor for this writ has been obtained.
- 806** This writ does not bind this property as it specifically relates to other land.
- 813** The judgement creditor(s) states that the registered owner is not one and the same as the party named in this writ.
- 820** The judgement creditor named in this writ releases any interest under the writ in this parcel.
- 3524** The party is not one and the same as the party named in this writ.

Statements for a Transfer by Trustee in Bankruptcy

A search of executions will need to be completed against a non-bankrupt co-owner, if any, who is also a transferor in a Transfer by Trustee in Bankruptcy. Select the applicable statement below. Both are law statements and can only be signed for completeness by a lawyer. Enter the information required.

If the search for executions by the registrant produces a Clear Certificate, the following writ statement must be selected and completed. The solicitor signing the document will include their name in the statement to confirm that the appropriate parties' names were searched.

- 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 (name) confirm the appropriate party(ies) were searched.

If the search for executions by the registrant produces an Execution Certificate and identifies writs against the name searched, the following writ statement is to be selected and completed. The solicitor signing the document will include their name in the statement to confirm that the appropriate parties' names 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 (name) confirm the appropriate party(ies) were searched.

In addition, the writ number(s) and the name(s) searched will need to be entered on the writ tab and the appropriate writ statement selected from the list.

The following new writ clearing statement will be available to address a situation where there is an applicable writ but it is being cut out by the document, e.g. Foreclosure.

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

Transferee(s)

Enter information pertinent to all transferees in the Transferee(s) field.

For each transferee who is an individual, enter the following:

- surname first, space followed by at least one given name in full
- date of birth
- capacity
- share (if any)
- address for service.

For a corporation, enter the following

- full corporate name
- capacity

- share (if any)
- address for service.

Note that the transferee's address for service defaults to the municipal address of the property. This information is imported from POLARIS. Verify and, if necessary, amend this field.

Partnership as Transferee(s)

Partnership as a Party To

When creating a transfer in which a partnership is a Party To, the partners and firm name must be set out in the document. Enter the partner's names in the Transferee field and complete the following statement:

46 I am a partner, the firm name of the partnership is name.

Each partner must complete the statement and select the capacity, **Partner** from the drop down list. This provides the necessary information for the land registry office to update the records in the appropriate manner.

For example, a Transfer to a Partnership would identify the names of the partners and the firm name of the partnership. The Ownership Field in POLARIS will then be updated by the land registry office to include the partners and the firm name of the partnership in order that the Party From information is correctly prepopulated on a subsequent document.

Limited Partnership as Transferee(s)

Limited Partnership as a Party To

When creating a transfer in which a limited partnership is a Party To, the general partners and the firm name of the limited partnership must be set out in the transfer. Enter the names of the general partner(s) and complete the following statement:

51 I am a general partner, the firm name of the Limited Partnership is name of limited partnership.

Each general partner must complete the statement and select the capacity, **General Partner** from the drop down list. This provides the necessary information for the land registry office to update the records in the appropriate manner.

For example, a Transfer to a Limited Partnership would identify the names of the general partners and the firm name of the Limited Partnership. The Ownership Field in POLARIS will then be updated by the land registry office to include the general partners and the firm name of the partnership in order that the Party From information is correctly prepopulated on a subsequent document.

Planning Act Statements

In order to comply with the relevant sections of the *Planning Act*, select *Planning Act* Statements. Although *Planning Act* statements are encouraged, they are not mandatory. Electronic documents without them will not be refused for registration.

By the transferor(s)

- 21 STATEMENT OF THE TRANSFEROR(S): The Transferor(s) verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene the Planning Act.

By the solicitor for the transferor(s)

- 22 **STATEMENT OF THE SOLICITOR FOR THE TRANSFEROR(S):** I have explained the effect of the *Planning Act* to the transferor(s) and I have made inquiries of the transferor(s) to determine that this transfer does not contravene that Act and based on the information supplied by the transferor(s), to the best of my knowledge and belief, this transfer does not contravene that Act. I am an Ontario solicitor in good standing.

By the solicitor for the transferee(s)

- 23 **STATEMENT OF THE SOLICITOR FOR THE TRANSFEREE(S):** I have investigated the title to this land and to abutting lands where relevant and I am satisfied that the title records reveal no contravention as set out in the *Planning Act* and to the best of my knowledge and belief this transfer does not contravene the *Planning Act*. I act independently of the solicitor for the transferor(s) and I am an Ontario solicitor in good standing.

These statements are consistent with the statements required since the introduction of the *Land Registration Reform Act* and are displayed on the *Planning Act* Statement screen. By selecting all three statements, the remark "*Planning Act* Statements" will be abstracted on the parcel register.

Planning Act Statements cannot be indexed.

Statements

There are additional, non-mandatory statements available for use when creating a transfer document.

Amendment of Statutory Covenants

If the statutory covenants under the *Land Registration Reform Act* are to be amended, use the following statement:

- 34 The statutory covenants are to be amended as follows: text (amendment).

Schedule

The following statement may be used any time additional information is required. It is intended to allow for supplementary information to be included where necessary. For example if an estate is purchasing a property, enter the name of the estate in this statement.

- 61 Schedule: Text.

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

The following statements are also available. Bolded statements are law statements and can only be made by a lawyer.

Debts against deceased

A transfer by a devisee or heir at law must contain the following statement made by the transferee:

- 20 The transferee(s), who is purchasing from a devisee/heir-at-law, is not aware of any specific debts against the deceased.

Compliance with Inhibiting Order

- 3741 This document is being registered pursuant to Inhibiting Order number.

No Dealings Indicator/Land Registrar's Investigation

For more statements that are available for selection regarding No Dealings Indicators, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Planning Act Consent

If a *Planning Act* consent has been obtained, select the following statement from the list of Additional Statements:

- 4048 "The name has consented to the severance herein. (import image)."

A remark that the consent has been obtained will be abstracted on the parcel register.

NOTE: If a *Planning Act* consent was obtained in relation to a charge being registered, the consent may be imported into Statement 61.

Land Transfer Tax

Transactions that include Value of the Consideration

In the Consideration tab of the Tax Branch enter the value of the consideration of the transfer. Once the appropriate land transfer tax statements have been selected, the amount of land transfer tax payable for the conveyance is calculated and displayed in the Land Transfer Tax field. Verify that the value of the consideration has been entered correctly and the figure displayed in the Land Transfer Tax field is the amount of tax you were expecting to pay. An Electronic Land Transfer Tax statement is created as part of the document; this is required by the Ministry of Revenue.

Note that the consideration entered in the Consideration field on the Transfer document should NOT include any amounts paid for chattels; however, these amounts are to be included in 1(h) in the Consideration tab of the Tax Branch.

Nominal Transactions

If there is no value of the consideration for the transfer or if the value of the consideration is a nominal amount (less than \$200), enter the amount and select the appropriate land transfer tax statements in the Nominal tab explaining why the consideration is nominal. See the Ministry of Revenue guides, *Land Transfer Tax and the Registration of Conveyances of Land in Ontario* and *Land Transfer Tax and the Electronic Registration of Conveyances of Land in Ontario*, for more detail.

No changes are to be made to Land Transfer Tax statements once the transfer has been receipted.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

An electronic transfer is created and electronically signed for completeness and release by a Teraview account holder acting on behalf of the transferor and transferee. A transfer prepared by a Teraview account holder on behalf of a party(s) is deemed to have been made by the party(s) to the document.

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

A transfer is required to be electronically signed on behalf of the transferor and the transferee. Most transfers are required to be signed for completeness by a solicitor and additional statements are required at signing. See General Requirements, Signatories and General Authority Statement sections.

Charges

The *Land Registration Reform Act* defines a charge as a charge on land given for the purpose of securing the payment of a debt or the performance of an obligation. The registration of a charge does not act as a transfer of the legal estate; a charge creates only a lien on the land charged and the legal title therefore does not vest in the chargee.

The electronic registration system recognizes a document type group dealing with charges. The system distinguishes between the following types of charges:

- charge/mortgage by partnership
- charge by religious organization
- charge/mortgage
- notice of charge of lease.

Debenture/Deed of trust and mortgage

A debenture, as well as a deed of trust and mortgage, may be registered electronically using the Charge type document. A charge with all the statutory rights and remedies is created. By selecting Statement 34 the statutory covenants may be excluded or amended.

Fixed and floating charges

When a corporation borrows money from a lender and provides as security all the real property, including future acquisitions and assets, of the business venture, a charge is created against the security in favour of the lender. Usually the lender does not register the document on title because the amounts are being advanced to the borrower as and when needed and are paid back to the lender. However, when a lender makes a demand for repayment of the outstanding loan amount, and the borrower fails to meet the commitment, a default in payment occurs. At this time, the lender may register the crystallized charge on title to the real property and proceed with the sale of the assets according to the provisions in the charge. This crystallized charge is registered as a charge.

Charge

According to the *Land Registration Reform Act* - Electronic Registration Regulation, a Charge must contain:

- a statement of the principal amount or other obligation secured by the charge
- a statement of the interest or estate charged
- the filing number of Standard Charge Terms included in the charge, if any
- a statement that the chargor charges the land that it affects
- unless the chargor is a corporation, a statement by the chargor that the chargor is at least 18 years old
- unless the chargor is a corporation, a statement of spousal status under the *Family Law Act* by the chargor
- a statement that the chargor acknowledges a receipt of a copy of the charge.

The following statements have been programmed to form part of the electronic document. They cannot be changed.

The chargor(s) hereby charges the land to the chargee(s).

The chargor(s) acknowledges the receipt of the charge and the standard charge terms, if any.

Property(s)

Once the PIN has been entered, data from the Property file in POLARIS is imported into the document. If the charge affects more than one PIN, enter each PIN. For details see General Requirements, Property section.

Interest/Estate

The interest/estate defaults to Fee Simple. The interest/estate may be changed during the creation of the document.

Chargor (s)

The Chargor's name is imported into the document automatically from POLARIS or from an existing instrument. In some cases it may be necessary to amend the data contained in the Chargor(s) field. For example, when only one owner is charging his/her interest. See General Requirements – Parties – Adding and Removing. If the name of the chargor is not the same as the name on the parcel register, the appropriate document must be separately registered before the interest can be charged (e.g., Application to Change Name, Survivorship Application, Transmission Application).

NOTE: If the name has been previously registered in the same Land Registry Office, a separate application to change name is still required. The required evidence may be a recital of an application that has been previously registered, since the actual evidence or statements would have formed part of that document.

Writs of Execution

A search for writs of execution may be performed, if desired. The system does not conduct a search automatically.

Family law Act and Age Statements

If chargor is an individual

If the chargor is an individual, information regarding their age is required. Select the following statement.

11 I am at least 18 years of age.

If document is authorized by public guardian and trustee

If the document is being authorized by the public guardian and trustee, select the following statement and enter the required information.

25 I, name, have the authority to act on behalf of this party who is under the age of 18 years and/or does not have the legal capacity to act on their own behalf.

Statements pursuant to Family Law Act

Statements pursuant to the *Family Law Act* are required. Select the applicable statement from below.

01 I am not a spouse.

02 The property is not ordinarily occupied by me and my spouse, who is not separated from me, as our family residence.

28 I am separated from my spouse and the property was not ordinarily occupied by us at the time of our separation as our family residence.

03 Name and I are spouses of one another and are both parties to this document.

05 Name is my spouse and has consented to this transaction.

06 The property is not designated under the *Family Law Act* as a matrimonial home by me and my spouse, but there is such a designation of another property as our matrimonial home which has been registered and which has not been cancelled.

- 07 My spouse has released all rights under the *Family Law Act* by a separation agreement.
- 08 **This transaction is authorized by court order under the *Family Law Act* which is in full force and effect and was registered as number number**
- 09 **The property is released from the application of the *Family Law Act* by a court order which is in full force and effect and was registered as number number.**
- 24 This charge is subject to the spousal interest of my spouse.
- 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.**

Other Statements

There are other statements that may be required to be made by the chargor(s).

Authorization of Charge

Every charge registered electronically must contain authorization statements which are deemed to have been made by the party. Select the appropriate statement from below.

If the chargor is a corporation

If the chargor(s) is a corporation, the following statement must be made:

- 10 I, name, have the authority to bind the corporation.

If the chargor is the Crown

- 3734 This document is being authorized by a representative of the Crown.

If the chargor is a Municipal Corporation

- 3742 This document is being authorized by a Municipal Corporation name of authorizing person(s).

OR

- 10 I, name, have the authority to bind the corporation.

If chargor is an estate

- 47 This dealing by the estate trustee is consistent with the terms of the will or is permitted by legislation

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

Dealing with Fraction of Property

A charge by a part owner of all their interest does not have to set out the percentage or fractional share being charged. Where the register specifies the owner's share (e.g. one-third share), the charge may indicate that the chargor's entire share is being charged. Where only a part of one's interest is being charged, the percentage or fractional share must be specified in Statement 12.

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

Charge by Religious Organization

If the instrument type selected is Charge by Religious Organization, age and spousal or *Family Law Act* statements are not required. One of the following authorization statements must be selected.

- 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.

OR if the religious organization is incorporated, use the Charge type document

Charge by Partnership

If the instrument type selected is a "Charge by Partnership" the relevant authorization statement must be selected.

There are two instances of properties held by partners.

- Partnership Property
- Limited Partnership.

When a Firm Name is included in a Charge by Partnership and is registered in same folder as the Transfer to Partnership, Teraview will give an error message at registration saying Firm name is not an owner. In this situation an override could be requested or the Transfer to Partnership and the Charge by Partnership could be registered in different folders.

When charging properties held in either of these capacities, consideration must be given to the authorizing partnership statements.

Partnership Property

When creating a charge in which a partnership is a Party From, each partner and the firm name must be set out individually as a Party From. The names of the partners and the firm name are prepopulated as Parties From from POLARIS or from an existing instrument.

The following statement must be selected for each partner.

43 I am a partner

The following statement applies to the firm name and must be selected.

54 This is the firm name of the partnership/limited partnership

Limited Partnership

When creating a charge in which a limited partnership is a Party From, the general partners and the firm name of the limited partnership will be prepopulated from the current ownership field in POLARIS or from an existing instrument. Each general partner and the firm name must be set out individually as a Party From.

The following statement must be completed for each general partner.

48 I am a general partner

The following statement is an optional statement and may be selected by one of the general partners if they are authorized under the *Limited Partnerships Act*. If this statement is not selected by any of the general partners, each of the limited partners must be identified, consent to and authorize the document in Statement 61. If the limited partners are individuals, a statement of age and spousal status is required. These statements should also be made in Statement 61.

45 This transaction is for a partnership purpose within the meaning of the *Limited Partnerships Act*

In addition, the following statement applies to the firm name and must be selected.

54 This is the firm name of the Partnership/Limited Partnership.

Chargee(s)

Enter information pertinent to all chargees in the Chargee(s) field.

For each chargee who is an individual, enter the following:

- surname first, space, followed by at least one given name in full
- capacity
- share (if any)
- address for service.

For a corporation, enter the following:

- full corporate name
- capacity
- share (if any)
- address for service.

Two or more parties may wish to hold the charge on joint account with right of survivorship. The right of survivorship also applies if the chargees hold the charge as joint tenants. However, use of the term "on joint account alone does not indicate a right of survivorship. Notwithstanding the above, the survivor is permitted to execute a discharge on behalf of the deceased chargee.

Personal Representative (Estate Trustee) as Chargee

If an initial charge in favour of a personal representative (estate trustee) is submitted for registration, no proof of appointment is necessary. However, if a second charge in favour of a personal representative is submitted for registration the following is necessary:

- evidence of appointment of estate trustee satisfactory to the land registrar set out in Statement 61 and the following statement:

31 This dealing by the estate trustee is consistent with the terms of the will or is permitted by legislation.

Trustee of Registered Pension Fund as Chargee

When a charge is made to the trustee(s) of a Registered Pension Fund (in accordance with the Income Tax Act of Canada), enter the name of the trustee as chargee and select the capacity "trustee". The name of the fund or plan may be set out in Statement 61. If the charge is accompanied by a statement in Statement 61 by one of the trustees or a solicitor deposing that the plan is so registered, only the name of the Registered Pension Fund is required to be entered as chargee.

When a discharge or transfer of such a charge is registered, a statement by one of the trustees or a solicitor is required, affirming that the trustee is authorized to execute the discharge or transfer.

Partnership as Chargee(s)

Partnership as a Party To

When creating a document in which a partnership is a Party To, the partners and firm name must be set out in the document by selecting and completing following statement.

46 I am a partner, the firm name of the partnership is name

Each partner must complete the statement and select the **Partner** capacity from the drop down list. This provides the necessary information for the land registry office to update the records in the appropriate manner.

For example, a Charge to a Partnership would identify the names of the partners and the firm name of the partnership. The POLARIS records will then be appropriately updated by the land registry office in order that the Party From information is correctly prepopulated on a subsequent document.

Limited Partnership as Chargee(s)

Limited Partnership as a Party To

When creating a document in which a limited partnership is a Party To, the general partners and the firm name of the limited partnership must be set out in the document by selecting and completing the following statement.

51 I am a general partner, the firm name of the Limited Partnership is name of limited partnership.

Each general partner must complete the statement and select the **General Partner** capacity from the drop down list. This provides the necessary information for the land registry office to update the records in the appropriate manner.

Charge Provisions

Enter the provisions of the charge in the fields provided. For each charge, a statement of the principal amount or other obligation secured by the charge must be included. Other fields

are available for information such as the rate of interest, periods of payments and the due date of the charge, Standard Charge Term numbers and guarantors, if any.

Additional Provisions

To enter any additional charge provisions or terms, select "Charge Provisions" from the TreeView menu and enter the data in the Additional Provisions field by keying in the information in the text field or importing it. See General Requirements – Importing.

Statements

There are additional, non-mandatory statements available for use when creating a charge document.

Amendment of Statutory Covenants

If the statutory covenants under the *Land Registration Reform Act* are to be amended, use the following statement:

34 The statutory covenants are to be amended as follows: Text (enter amendment.)

Schedule

The following statement may be used any time additional information is required. It is intended to allow for supplementary information to be included where necessary.

61 Schedule: Text

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

An electronic charge is created and electronically signed for completeness and release by a Teraview account holder acting on behalf of the chargor. A charge prepared by a Teraview account holder on behalf of a party(s) is deemed to have been made by the party(s) to the document.

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

A charge is required to be electronically signed on behalf of the chargor. See General Requirements, Signatories and General Authority Statement sections.

Notice of Charge of Lease

If an application to create a leasehold parcel has been registered, a charge of leasehold interest may be registered using a Charge type document

If there is a notice of lease registered on a freehold parcel, and the lessee wishes to charge its interest, a notice of an interest in a lease (notice of charge of lease) must be registered pursuant to the *Land Titles Act*. Select Notice of Charge of Lease and follow the procedures described above.

See Lease Module

Transfer of Charge

Under the *Land Titles Act* a registered owner of a charge may transfer that charge to another party. Once registered, the transfer confers upon the transferee ownership of the charge free of any unregistered interests therein. A transfer of charge of part of the sum secured by a charge confers upon the transferee the ownership of such part free from any unregistered interest therein. The transferor remains owner of the charge until the Transfer of Charge is registered in accordance with the *Land Titles Act*.

The registered owner of a charge may transfer a part of the sum or a percentage secured by the charge. However, the charge **cannot** be transferred as to part of the land.

Transfer of Charge subject to provisions for retransfer

A charge may be transferred subject to a provision to retransfer it to the transferor upon payment of a sum of money or upon the performance of certain conditions.

Multiple Transfer of Charges

In some situations, the registered owner(s) of more than one charge may wish to transfer multiple charges to a new chargee. A transfer of charge document provides for such a document by allowing multiple charges to be sourced in one transfer of charge document.

Transfer of Charge

According to the *Land Registration Reform Act*—Electronic Registration Regulation, a Transfer of Charge must contain the following:

- the registration number and date of registration of the charge
- a statement that the document transfers the charge
- a statement indicating the consideration given for the transfer.

The following statement has been programmed to form part of the electronic document. It cannot be changed.

This transfer of charge affects all lands that the charge is against which are outstanding

Source Instrument

Enter the registration number of the charge(s) OR if the charge has already been transferred, enter the last assignment type number(s).

Property(s)

Once the sourced instrument has been entered, the PIN (s) currently associated with the sourced instrument and description(s) are imported into the document. See General Requirements, Property section.

Transferor

The name(s) of the last registered owner(s) of the charge is imported into the document.

Transferee

Enter the name of the new chargee.

Statements

Select the following statement and enter the required information.

3102 The chargee transfers the selected charge for consideration.

Some statements relate to a specific document rather than to a party. They are not mandatory but are available for use when creating the document. For example, for a transfer of a share or percentage of a charge, select and complete the following statement:

3104 The chargee transfers text (the share, percentage or amount) of the selected charge.

For an agreement to retransfer the charge, select the statement below and enter the required information.

3103 The transferee agrees to retransfer this charge on payment of consideration at rate as follows: terms.

Where the assignment type has been used as a source instrument, enter the charge number it relates to in statement 3730.

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

Change of Name – Chargee

Where a chargee has changed its name and evidence of the change of name has previously been registered in the land registry office in which the transfer of charge is being registered, the following statement must be completed.

1606 The party executing this document is one and the same as name and the document evidencing the change of name was registered as number instrument number and date

Schedule

The following statement may be used any time additional information is required. It is intended to allow for additional information to be included where necessary.

61 Schedule: Text

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

An electronic transfer of charge is created and electronically signed for completeness and release by a Teraview account holder acting on behalf of the transferor and transferee. A transfer of charge prepared by a Teraview account holder on behalf of a party(s) is deemed to have been made by the party(s) to the document.

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document. A transfer of charge is required to be electronically signed on behalf of the transferor and the transferee. See General Requirements, Signatories and General Authority Statement sections.

Discharges

The electronic registration system recognizes a document type group dealing with discharges. The system distinguishes between the following discharge types:

- Discharge of Charge
- Discharge of Other Interest.
- Discharge of Construction Lien (See Construction Lien Module)
- Discharge of Condominium Lien (See Condominium Lien Module).

Only one charge or other interest may be discharged in any one given discharge document.

Discharge of Charge

According to the *Land Registration Reform Act*—Electronic Registration Regulation, a Discharge of Charge or other interest must contain the following:

- the registration number and date of registration of the charge or other interest
- a statement that the discharge discharges the charge or other interest, as the case may be.

The Discharge of Charge function is used for discharging the instrument in the charge type group (i.e., charge or notice of charge of lease). It may also be used for the following:

- Discharge of debenture
- Discharge of deed of trust and mortgage
- Partial discharges.

There is no separate document provided for partially discharging an interest. If an interest is being discharged from part of a property, use the Discharge of Charge document type (see below). Identify the reason for the change in the Reason for Change field i.e. partial. Change the description to describe only that portion of land being discharged.

The two statements below have been programmed to form part of the electronic document. They cannot be changed.

This discharge discharges the charge.
This discharge complies with the Planning Act.

Source Instrument

Discharges are sourced by the instrument being discharged. In the appropriate fields enter the following:

- in the source field, the registration number of the document to be discharged;
- in the assignment type field, the registration number of the transfer of charge, or, if the document has been assigned more than once, the last transfer of charge, **OR**
- if the name of the chargee has been amended by a registered document such as an Application to Change Name or a Survivorship Application that is subsequent to the last Transfer of Charge, enter this instrument number. Only use Application to Change Name as a sourced document if it is only on the same PIN's that are being discharge.

This will result in the current owner of the charge being prepopulated as the discharging party in the Discharge of Charge.

Any other instruments that will be deleted as a result of the Discharge of Charge should be entered under the related deletions branch in the Tree View.

Property

Once the sourced instrument has been entered, the current PIN (s) associated with the charge or transfer of charge is imported into the document from the Property file in POLARIS. See General Requirements – Property section.

Discharging Party

The last registered owner of the charge is imported from POLARIS.

Name of Chargee

If the name of the chargee is the original chargee, select the following statement:

3710 The party giving this discharge is the original chargee and is the party entitled to give an effective discharge.

If the charge has been transferred or the chargee has changed their name, select the statement below.

3700 The party giving this discharge is not the original chargee or is the original chargee and has changed its name but is the party entitled to give an effective discharge

NOTE: If the chargee's name has changed, a separate application to change the name is not required. Evidence relating to the change of name may accompany the discharge. Use the schedule statement field below to attach the evidence. If Chargee's name has a "typo", select statement 3700 and clarify name in statement 61.

61 Schedule: Text

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

If a document has previously been registered with supporting evidence regarding the change of name, select the following statement.

1606 The party executing this document is one and the same as name and the document evidencing the change of name was registered as number instrument number and date.

If you are a Solicitor.

The following statement is a law statement and can only be signed for completeness by a lawyer:

3714 I am the party entitled by law to grant the discharge as to the land described herein.

When a chargee dies

There are several ways to handle a discharge of charge when a chargee dies.

Sole Chargee

If the deceased was the sole chargee, evidence of the estate trustee's authority to give the discharge is required. The following statements may be used. The first statement requires a lawyer:

622 Date of death of name was yyyymmdd

Or:

623 Date of death of name was yyyymmdd and the evidence of death is indexed at the Land Registry Office as index no. number.

Or if proof of death has previously been registered or recorded in the Land Registry Office, make the following statement:

624 Documentation regarding the death of name, which is sufficient to deal with this transaction, is attached to registration number number.

The Estate Trustee must select one of the following statements which are all law statements and can only be signed for completeness by a lawyer.

3512 The applicant is appointed as Estate Trustee with a will by *name of court* Court, under file no. number, dated yyyymmdd and is still in full force and effect.

3513 The applicant is appointed as Estate Trustee without a will by *name of court* Court, under file no. number, dated yyyymmdd and is still in full force and effect.

When a Certificate of Appointment of Estate Trustee with a Will has not been obtained, the following law statement may be selected.

3515 No application was made for a certificate of appointment of an Estate Trustee as the total value of the estate of the deceased owner is not more than \$50,000.

NOTE: If a Certificate of Appointment has not been obtained, a Covenant to Indemnify the Land Titles Assurance Fund will be required and must be imported into Statement 3640 (see below). The wording below, similar to Law Statements 3634 and 3635 or 3636 from "First Dealings After Property Converted to Land Titles" from the Estates Module, must be set out in Statement 62.

- the value of the estate is (enter value of estate).
- 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. Alternatively, if the will was not properly executed and/or witnessed, insert the following wording: 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.
- that 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.
- proof of death.

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

NOTE: If there is no will, a Certificate of Appointment of Estate Trustee without a Will must be obtained

Survivor holds right of survivorship

If two or more parties hold a charge with rights of survivorship and one of the chargees dies, the survivor(s) is permitted to give the discharge.

Select the statement below:

609 The applicant held the charge on joint account with right of survivorship with the deceased

And one of the following. Statement 622 is a law statement.

622 Date of death of name was yyyymmdd.

Or:

623 Date of death of name was yyyymmdd and the evidence of death is indexed at the Land Registry Office as index no. number

Or if proof of death has previously been registered in the same Land Registry Office, select the following statement:

624 Documentation regarding the death of name, which is sufficient to deal with this transaction, is attached to registration number number.

Survivor does not hold right of survivorship

The *Mercantile Law Amendment Act* and the *Mortgages Act* state that the survivor of the chargee is permitted to discharge a charge. Therefore, the same evidence required above may be accepted, even if the charge is not held on joint account with right of survivorship.

NOTE: A discharge submitted for electronic registration with the above-mentioned evidence attached is not considered a combined document.

If there are several chargees and one chargee has died, enter all names of the original chargees as the Discharging Parties. No statements are selected for the deceased chargee. An override will be required for the registration. The override will only work when the number of discharging parties is the same as the number of original chargees in the charge. Statement 3710 is selected by the remaining chargees.

Other Statements

If the appropriate statement was not found above, select the Schedule Statement 61 and enter additional information which is necessary to explain the situation.

61 Schedule: Text

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

Related Deletions

The Related Deletions field is used to enter registered documents specifically tied to the interest in the document being discharged. Once the interest is discharged the related documents should be deleted. Two examples are an assignment of rents registered as collateral to a charge, and an application to change the name of a chargee. Select the statement below.

3730 This document relates to registration number number(s)

The registration numbers entered in the Related Deletions field will be reviewed by a staff member before deletion.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

A discharge is required to be electronically signed on behalf of the chargee. See General Requirements, Signatories and General Authority Statement sections.

Exceptions to the Above

When a discharge cannot be obtained

In almost all cases, a charge is removed from title by registering a good and valid discharge from the current chargee. In some rare cases, however, a charge can be removed from title by the land registrar upon the registration of an application by the registered owner pursuant to Section 102 of the Land Titles Act (the act).

Section 102 is an extraordinary remedy available at the discretion of the land registrar in those rare circumstances where: (i) the land registrar is satisfied that the chargee is not reasonably available to provide a registrable discharge; and (ii) the land registrar has been provided with due proof that the charge has in fact been satisfied.

Since Section 102 applications are entirely at the discretion of the land registrar, all applications must be pre-approved (pursuant to the pre-approval protocols then in place for the land registry office in which the lands are situate) before being submitted for registration. Under no circumstances may a Section 102 application be submitted directly into the land registration system without approval. Section 102 applications that are submitted for registration without first being pre-approved will be denied certification and be immediately withdrawn without any refund of the registration fees.

Document Type

Section 102 applications may only be filed electronically as an Application General made by the registered owner. For more information, see the Application General Module.

Select and complete Statement 3602

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.

Evidence Required

There must be sufficient evidence that: (i) the current chargee is not reasonably available to provide a registrable discharge; and (ii) the charge has in fact been fully satisfied.

This evidence must be presented as part of the pre-approval, but will not be attached to the Section 102 application itself and may not be indexed. The evidence must be summarized in a law statement. **For more information see Bulletin 2017-03** and see Bulletin 2017-04 regarding serving notice when dealing with an interest of a dissolved corporation.

Select and complete Statement 62

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness. The solicitor identified in statement 62 must be one of the lawyers to sign the document.

When a chargee cannot be found **Court Order**

Another option where a registrable discharge is not available is for the owner to apply to the court for an order discharging the charge.

The document should be registered using an Application to Amend Based on Court Order. Refer to the Court Order module, Application to Amend Based on Court Order section.

Discharge of An Interest

The Discharge of An Interest document is used for discharging any other interest for which there is no separate discharge document.

Discharge most other types of interest using the Discharge of An Interest document type. Examples of when to use this document type include:

- Discharge of Vendor's Lien if vendor's lien has been entered as a "Notice"
- Deletion of a Notice of Agreement under section 71 of the *Land Titles Act*
- Discharge of Lease of Chattels
- Discharge of Lodgement of Title Documents
- Discharge of Notice of Security Interest.
- Discharge of Notice of Charge of Lease if charge of lease has been entered as "Notice"

The following statement has been programmed to form part of the document. It cannot be changed.

This discharge discharges the interest in the selected instrument(s).

Additional Statements

The statements below are optional statements; however, with the exception of the discharge of notice of security interest, Statement 61 must be completed to describe the interest and the reason for that interest being discharged.

61 Schedule: Text

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

3730 This document relates to registration number number(s)

Discharge of Notice of Security Interest

For a Discharge of a Notice of Security Interest, the following two statements are available. The requirements under the *Personal Property Security Act* must be met.

3738 The notice of security interest dated, yyyymmdd, registered yyyymmdd is discharged
3729 The security interest was assigned on yyyymmdd

Discharge of Vendor's Lien

A Notice of Vendor's Lien may be deleted from the register if the following statements are included. The statements may be entered in Statement 61.

1. the notice of vendor's lien has expired due to the passage of time (i.e. one year or
2. the lien no longer exists because the purchaser has paid the balance due to the vendor (evidence is required, to include either an acknowledgement by the vendor or proof of payment in the form of receipts or cancelled cheques. It should be indexed at the Land Registry Office and Statement 92 selected) or
3. the consent of the party registering the notice of the lien has been obtained.

NOTE: Where the electronic registration system has provided specific document types, discharges of those interests should be registered using the instructions in the respective sections.

Discharge Seizure of Charge

Application General, Evidence from either execution creditor or sheriff imported into Statement 61

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

Related Deletions

The Related Deletions field is used to enter registered documents specifically tied to the interest in the document being discharged. Once the interest is discharged the related documents should be deleted. The registration numbers entered in the Related Deletions field will be reviewed by a staff member before deletion.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

A discharge is required to be electronically signed on behalf of the discharging party. See General Requirements, Signatories and General Authority Statement sections.

Transfer Under Power of Sale

Under a registered charge of freehold or leasehold land, a chargee is entitled, on default of payment, to sell the land according to the terms of power of sale contained in the charge. When a default of payment occurs, the chargee has two options. The chargee or mortgagee may sell the land either:

- subject to Part III of the *Mortgages Act*, after giving 35 days notice to all interested parties (determined using Land Registry Office records)
- subject to Part II of the *Mortgages Act*, after three months from the time of default **and** after 45 days notice to all interested parties (determined using Land Registry Office records).

In accordance with the *Land Titles Act*, evidence in support of the sale of land is required as part of the Transfer Under Power of Sale. A Transfer Under Power of Sale submitted for electronic registration must comply with the requirement to register evidence specified by the Director of Titles (as set out in Bulletin 2003-1) **or** include the following statements:

1. The sale is authorized under both the charge and the *Mortgages Act*.
2. The charge was in default at the time notice of sale was given and continues to be in default, and money has been advanced under the charge.
3. The sale proceedings and transfer comply with the charge, the *Mortgages Act*, and where applicable the *Bankruptcy and Insolvency Act* (Canada), the *Condominium Act*, the *Construction Lien Act*, and the *Farm Debt Mediation Act* (Canada).
4. Identification of the following:
 - instruments subsequent to the charge, by instrument number and date of registration
 - writs of execution subsequent to the charge, by name and writ number.
5. Spousal status under the *Family Law Act* for each person whose spouse was not served with a notice under the *Mortgages Act* and whose interest may be deleted upon registration of the transfer.

Debenture/Deed of trust and mortgage

Part III of the *Mortgages Act* does not apply to mortgages given by a corporation to secure bonds or debentures. Therefore, these provisions do not apply to a deed of trust and mortgage or to a debenture.

With respect to the power of sale of a debenture, the debenture itself will determine the criteria under which the sale is to take place. For instance, when a debenture provides for the appointment of a receiver upon the enforcement of the debenture, and the receiver has the authority to sell the property charged by the debenture, the receiver is permitted, on behalf of the debenture holder, to execute any transfer in pursuance of the power of sale. There is no need for the transfer to be executed by the debenture holder.

Sale by chargee under a Charge of Lease

If a chargee under a registered charge of leasehold land (i.e., land registered as a leasehold parcel) sells upon default, the procedures below apply.

Sale by chargee under a Notice of Charge of Lease

If a chargee under a Notice of Charge of Lease sells upon default, an Assignment of Lessee's Interest in Lease should be registered pursuant to Section 111 of the *Land Titles Act*. While proof of compliance to these sale procedures is not required, appropriate evidence or statements are permitted. If evidence of the power of sale forms part of the

Notice of Assignment of Lessee's Interest in Lease document and encumbrances have been dealt with, the power of sale and the appropriate subsequent encumbrances, if any, will be deleted from title. If evidence does not accompany the Notice of Assignment of Lessee's Interest in Lease document and encumbrances have not been dealt with, the Notice of Assignment of Lessee's Interest in Lease and subsequent encumbrances will not be deleted. See the Leases module for more information on Notices of Assignment of Lessee's Interest in Lease.

Power of sale under common expense lien— Condominium

A lien for unpaid common expenses under the *Condominium Act* or the *Condominium Act, 1998* may be enforced in the same manner as a charge. In addition to the requirements below, a common expense lien under these Acts requires the following statements, which may be addressed in the Schedule statement field (Statement 61):

The Condominium Corporation has not issued a clear status certificate for the subject unit with respect to common expenses from the default date to the present.

Registration of a transfer under Power of Sale of a Condominium Lien is registered as a Transfer and will require an override for the registration, as a Condominium Lien is not an acceptable source document.

Transfer Under Power of Sale

According to the *Land Registration Reform Act* - Electronic Registration Regulation, a Transfer under Power of Sale must contain:

- the registration number and date of registration of the charge
- a statement that the sale is authorized under the charge and the *Mortgages Act*
- a statement that the charge was in default at the time notice of sale was given and continues to be in default and that money has been advanced under the charge
- a statement that the sale proceedings and transfer comply with the charge, the *Mortgages Act*, and if applicable the *Bankruptcy and Insolvency Act (Canada)*, the *Condominium Act, 1998*, the *Construction Lien Act* and the *Farm Debt Mediation Act (Canada)*
- a statement identifying the instruments by instrument number and date of registration and the writs of execution by name and writ number that rank subsequent to the charge and that are to be deleted from the parcel register as a result of the registration of the transfer.

The following statement has been programmed to form part of the electronic document. It cannot be changed.

The transferor(s) hereby transfers the land to the transferee(s).

Source Document

A Transfer Under Power of Sale is sourced using the charge under which the default took place. Enter in the appropriate fields either one the following:

- the registration number of the charge
- the registration number of the last assignment type document.

Property(s)

Once the sourced instrument has been entered, the PIN (s) currently associated with the charge and description(s) are imported into the document. See General Requirements, Property section.

Interest/Estate

The interest/estate defaults to Fee Simple. The interest/estate may be changed during the creation of the document.

Transferor

The chargee's name is imported into the Transferor(s) field.

Statements by Transferor/Chargee

Select the following statements and enter any required information:

3301 The document is authorized under the charge and the *Mortgages Act*

3305 The charge was in default at the time notice of sale was given and continues to be in default and the money has been advanced under the charge.

NOTE: In addition, the date the notice of sale was given must form part of the document, select statement 61 and add the date.

Where notice is required and has not been given, a court order may be obtained dispensing with the service. If this is the case insert the Order and the following statement into Statement 62 as one file.

That Notice of Service was dispensed with for (enter the name of the party), by a Court Order. The Order is still in full force and effect.

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

3308 The sale proceedings and transfer comply with the charge, the *Mortgages Act* and if applicable the *Bankruptcy and Insolvency Act* (Canada), the *Condominium Act*, the *Construction Lien Act*, and the *Farm Debt Mediation Act* (Canada).

If Charge Transferred After Notice Sent

If the charge was transferred after notice was sent, select the following additional statement:

3309 Notice of the transfer of charge and the address for the new chargee, was served on the registered owner(s) as well as all the parties having any interest in the land and the charge was in default when the chargee entered into an agreement of purchase and sale of the charge and continues to remain in default

Writs of Execution

If there are writs of execution filed prior to the charge under power of sale which are still outstanding, select the following statement:

903 This transaction is being made subject to the following writ(s) of execution: writs of executions listed by name and writ number.

If there are no writs of execution that were filed prior to the charge or were filed subsequent to the charge but notice has been served on the judgement creditor, select the following statement:

908 This transaction is not subject to any writs of execution.

NOTE: If there are writs of execution that have been filed subsequent to the charge and that are to be deleted from the parcel register as a result of the transfer, the following law statement must be selected and signed for completeness by a lawyer.

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

Encumbrances

If there are no registered encumbrances subsequent to the charge which are to be deleted under the Power of Sale, select the following statement:

904 There are no encumbrances to be deleted.

If there are encumbrances registered subsequent to the charge which are to be deleted under the Power of Sale, select the following statement:

902 The encumbrance(s) listed in the related deletion field is/are subsequent in priority to the charge and is/are to be deleted.

Spousal Rights

If title to the land is not subject to spousal rights, select the following statement:

905 Title to the land is not subject to spousal rights under the *Family Law Act*.

If title to the land is subject to spousal rights, select the statement below and enter the required information.

906 Title to the land is subject to the spousal rights of the spouse of name of party

Compliance with Family Law Act

In accordance with the *Family Law Act*, is required for every person whose spouse was not served with a notice under the *Mortgages Act* and whose interest is to be deleted upon the registration of the transfer. Notice of the sale must be given to the spouse of each owner of an interest in the property, unless the land registrar is satisfied that notice is not required. Choose one of the statements below.

- 36 The owner was not a spouse within the meaning of the *Family Law Act* at the time notice was served.
- 37 The owner is a spouse who is not separated from their spouse and the property was not ordinarily occupied by the spouses as their family residence.
- 38 The owner is a spouse who is separated from their spouse and the property was not ordinarily occupied by the spouses, at the time of their separation, as their family residence.
- 39 The property is not designated by both spouses as a matrimonial home and that another property is designated as a matrimonial home by both spouses and that such a designation is registered and not cancelled.

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- 40 The spouse of the owner has released all rights under Part II of the *Family Law Act* by a separation agreement.
- 41 The owners were spouses of one another at the time notices were served.
- 3311 The spouse(s) name was not served.

If statement 3311 is selected, the property will be made subject to spousal interest.

Notice of a power of sale may be addressed to an owner's spouse as follows:

- spouse of John Doe or wife of John Doe or Mrs. John Doe, when the registered owner is male; or
- spouse of Jane Doe or husband of Jane Doe, when the registered owner is female.

Transferor/Chargee

Select the applicable statements below.

If Transferor/Chargee is an individual

If the transferor is an individual, information regarding their age is required.
Select the following statement.

- 11 I am at least 18 years of age.

If document authorized by public guardian and trustee

If the document is being authorized by the public guardian and trustee, select the following statement and enter the required information:

- 25 I, name, have the authority to act on behalf of this party who is under the age of 18 years and/or does not have the legal capacity to act on their own behalf.

Statements pursuant to Family Law Act - Transferor/Chargee

Statements pursuant to the *Family Law Act* are required. Select the applicable statement below.

- 01 I am not a spouse.
- 02 The property is not ordinarily occupied by me and my spouse, who is not separated from me, as our family residence.
- 28 I am separated from my spouse and the property was not ordinarily occupied by us at the time of our separation as our family residence.
- 03 Name and I are spouses of one another and are both parties to this document.
- 05 Name is my spouse and has consented to this transaction.
- 06 The property is not designated under the *Family Law Act* as a matrimonial home by me and my spouse, but there is such a designation of another property as our matrimonial home which has been registered and which has not been cancelled.
- 07 My spouse has released all rights under the *Family Law Act* by a separation agreement.
- 08 **This transaction is authorized by a court order under the *Family Law Act*, which is in full force and effect and was registered as number number.**
- 09 **The property is released from the application of the *Family Law Act* by a court order, which is in full force and effect and was registered as number number.**
- 59 This transaction is subject to the spousal interest of name.

If Transferor/Chargee is a Corporation

If the transferor(s) is a corporation, select the following statement:

- 18 I, name, have the authority to bind the corporation.

Other Statements

- 4046 The land is being acquired or disposed of by the Crown in Right of Ontario or the Crown in Right of Canada, including any Crown corporation, or any agency, board or commission of the Crown; or a municipal corporation.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

If Transferor/Chargee is a Religious Organization

If the chargee is a religious organization, select one of the following statements:

- 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.

Transferee(s)

Enter information pertinent to all transferees in the Transferee(s) field.

For each transferee whom is an individual, enter the following:

- surname first, space followed by at least one given name in full
- date of birth
- capacity
- share (if any)
- address for service

For a corporation, enter the following:

- full corporate name
- capacity
- share (if any)
- address for service.

Note that the transferee's address for service defaults to the municipal address of the property. This information is imported from POLARIS. Verify and, if necessary, amend this field.

Planning Act Statements

In order to comply with the relevant sections of the *Planning Act*, select *Planning Act* Statements. Although *Planning Act* statements are encouraged, they are not mandatory. Electronic documents without them will not be refused registration.

By the transferor(s)

- 21 STATEMENT OF THE TRANSFEROR(S): The Transferor(s) verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene the Planning Act.

By the Solicitor for the Transferor(s)

- 22 STATEMENT OF THE SOLICITOR FOR THE TRANSFEROR(S): I have explained the effect of the *Planning Act* to the transferor(s) and I have made inquiries of the transferor(s) to determine that this transfer does not contravene that Act and based on the information supplied by the transferor(s), to the best of my knowledge and belief, this transfer does not contravene that Act. I am an Ontario solicitor in good standing.

By the Solicitor for the Transferee(s)

- 23 STATEMENT OF THE SOLICITOR FOR THE TRANSFEE(S): I have investigated the title to this land and to abutting land where relevant and I am satisfied that the title records reveal no contravention as set out in the *Planning Act*, and to the best of my knowledge and belief this transfer does not contravene the *Planning Act*. I act independently of the solicitor for the transferor(s) and I am an Ontario solicitor in good standing.

These statements are consistent with the statements required since the introduction of the *Land Registration Reform Act* and are displayed on the *Planning Act* Statement screen. If all three statements are selected, the remark "*Planning Act* Statements" will be abstracted on the parcel register.

Planning Act Consent

If Planning Act consent has been obtained, select the following statement from the list of Additional Statements:

- 4048 "The name has consented to the severance herein. (import image)."

A remark that the consent has been obtained will be abstracted on the parcel register.

Statements

Amendment of Statutory Covenants

If the statutory covenants under the *Land Registration Reform Act* are to be amended, use the following statement:

- 34 The statutory covenants are to be amended as follows: Text (enter amendment.)

Schedule

The following statement may be used any time additional information is required. It is intended to allow for supplementary information to be included where necessary.

- 61 Schedule: Text.

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed

into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Evidence

The following statement may be used when evidence of the power of sale is being indexed at the Land Registry Office.

92 This document is supported by evidence which is indexed at the Land Registry Office as index number number

Land Transfer Tax

Enter the value of the total consideration of the transfer and select the appropriate land transfer tax statement. The land transfer tax is calculated and displayed in the Land Transfer Tax field.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

A Transfer Under Power of Sale is required to be electronically signed on behalf of both the transferor and the transferee. Most transfers are required to be signed for completeness by a solicitor and additional statements are required at signing. See General Requirements, Signatories and General Authority Statement sections.

NOTE: If a Transfer Under Power of Sale is being created and evidence rather than statements have been provided, the supporting evidence must comply with Bulletin 2003-1 which details the evidence specified by the Director of Titles pursuant to the *Land Titles Act*. A certificate of search of executions must also form part of the supporting evidence.

Entries that will Not be Deleted from the Parcel Register

Notice of Security Interest Regarding Fixtures

A notice of security interest regarding fixtures will not be deleted from the parcel register unless the chargee makes a statement attesting to the following:

- that to the best of his knowledge and belief the security interest was attached to the goods after they became fixtures; and,
- that the chargee did not consent in writing to the security interest or disclaim an interest in the goods as fixtures; **or**, that to the best of his knowledge and belief the security interest was attached to the goods before they became fixtures; and,

- that to the best of his knowledge and belief a subsequent advance, as set out in the *Personal Property Security Act*, was made or contracted for under the charge without actual notice of the security.

Notice of a Security Interest under *Personal Property Security Act*

A notice of a security interest under the *Personal Property Security Act*, which assigns the right to payment in respect to the defaulted charge, will prevent the sale proceedings from taking place without confirmation by the secured party that the mortgage is in default.

Documents Related to Arrears in Land Taxes

The entry of any undischarged notice, certificate, caution or other document related to arrears in land taxes will not be deleted from the parcel register.

Claim for Lien under *Construction Lien Act*

A claim for lien under the *Construction Lien Act* registered subsequent to the charge will not be deleted from the parcel register if:

- the chargee was added in the lien claimant's claim for lien and no certificate of action has been registered by the lien claimant; or,
- the chargee was added in the lien claimant's claim for lien and the lien claimant's certificate of action also adds the chargee as a party defendant; or,
- the chargee was not added in the claim for lien but was added as a party defendant in the lien claimant's certificate of action or in a certificate of action under which the lien claimant is, or may be, sheltering.

Notwithstanding the above, the claim for lien may still be deleted from the parcel register if a statement of claim is produced in which the lien claimant is declaring priority:

- only as to some, but not all, advances made under the charge; or,
- only with respect to the increased value of the land since the date the lien first arose.

In these cases only the claim of the lien claimant who registered the certificate may be deleted. In addition, all other lien claimants who are not protected under another certificate of action claiming initial priority may be deleted if their claim for lien does not add the chargee as a party.

Rules for Sheltering - *Construction Lien Act*

According to the *Construction Lien Act*, a claim for lien may shelter only under a certificate of action.

The rules for sheltering are as follows:

- a claim for lien may shelter under any existing perfected lien (i.e., a lien for which a certificate of action has been registered) at the time the claim for lien is registered
- a claim for lien may shelter under any lien which is perfected between the date the claimant's lien is registered and the expiry date for registration of the lien claimant's certificate of action
- land registry staff do not police limitations on registration of claims for lien and certificates of action; therefore, a claim for lien may be "sheltering" under a "perfected" claim for lien
- a claim for lien may shelter under an existing perfected lien that is invalid or improperly preserved (registered)
- a claim for lien is sheltered only as to the defendants and the nature of the relief claimed in the statement of claim under which it is sheltering; accordingly, when a

claim for lien is, in fact, sheltering under a perfected claim for lien, the lien claimant is protected only as to the priority specified in that claim for lien

- a claim for lien that has been sheltering under a certificate of action continues to shelter under that certificate, even if pending action has been settled and the certificate of action deleted from the parcel register; therefore, Land Registry Office staff will consider certificates of action that have been deleted subsequent to the registration of the claim for lien in question.

Claim for lien under Condominium Act & the Condominium Act, 1998

A notice of lien for arrears of common expenses registered under either the *Condominium Act* or the *Condominium Act, 1998*, will not be deleted from the parcel register.

Certificate of Pending Litigation

A certificate of pending litigation may not be deleted unless a court order authorizing the deletion, or the consent of the person who registered the certificate (Plaintiff(s)), has been obtained. The consent must be indexed and referred to in Statement 92 or a law statement included in Statement 61 confirming the consent has been obtained.

NOTE: For liens under the *Mechanics' Lien Act* or a Notice of Conditional Sales Contract that are still listed on the parcel register, contact the local land registrar.

Foreclosure

A chargee under a registered charge of freehold or leasehold land is entitled, upon default of payment, to apply to be entered as owner of the charged property. A foreclosure order may be used for this purpose. Outstanding encumbrances must be dealt with in the statement of claim and the order of foreclosure.

The foreclosure may be based on a court order in the form of one of the following:

- a judgment of foreclosure
- a final order of foreclosure
- a certificate of final order of foreclosure
- a court-certified copy of any one of the above.

Encumbrances are an important part of the foreclosure process. If there are any to be deleted they must be identified. The electronic registration system provides statements that may be selected, or Statement 61 (the Schedule statement field) may be used to further describe the encumbrance(s).

Prior Encumbrances

When a chargee is registered as owner, his/her title is subject to all prior encumbrances, unless an encumbrance having apparent priority is specifically foreclosed in the order, or the land registrar is satisfied that the encumbrances no longer apply. Two examples are found below.

Dower

If a charge is marked "subject to dower", dower rights will continue unless the chargor's wife is specifically foreclosed in the order, or the land registrar is satisfied that:

- subsequent to the charge, the chargor was divorced or widowed; or,
- the chargor was alive on March 31, 1978.

Spousal Rights

If a charge is marked "subject to spousal rights", the title of the chargee as owner will be shown subject to such rights unless the spouse is specifically foreclosed in the order, or the land registrar is satisfied:

- that the spouse who is entitled to possession has released all rights of possession under the *Family Law Act*; or,
- by a statement of the owning spouse or previous owning spouse affirming that no right of possession existed at the time of the disposition or encumbrance; or,
- that the right of the spouse to possession under the *Family Law Act* has ceased because of divorce or death.

Subsequent Encumbrances

If a party with a subsequent encumbrance (i.e., subsequent to the charge but prior to the issuance of the statement of claim) is not specifically foreclosed in the foreclosure order, the title is made subject to the interests of that party.

The spouse of the owner, unless he/she had a prior encumbrance on the property, is a proper and necessary party and must be specifically foreclosed in the foreclosure order unless the land registrar is satisfied that:

- the spouse is not a proper and necessary party (e.g., the owner was not a spouse when the statement of claim was issued); or,
- the chargee did not possess sufficient information of the owner's spouse for the purpose of the foreclosure proceedings and therefore served notice in accordance with the *Family Law Act* but that notice failed to elicit a response.

The land registrar should be satisfied that all execution creditors subsequent to the charge (but prior to the issuance of the statement of claim) have been specifically foreclosed in the order. If an execution creditor has not been foreclosed, land registrars may accept an unequivocal statement from the authorizing party, affirming that the execution creditor is not a proper party to the foreclosure proceedings. The title will not be subject to writs of execution filed after the statement of claim is issued.

Encumbrances Registered after the Statement of Claim

Encumbrances registered after the statement of claim is issued, but before the foreclosure order is registered, will not be deleted from the parcel register unless they are specifically foreclosed in the foreclosure order, or a statement is provided by the chargee in support of the application stating the following:

"To the best of my knowledge and belief, money or moneys worth was actually advanced or supplied under the said charge without my having actual notice of any encumbrance registered subsequent to the issuance of the writ of foreclosure."

NOTE: If the above statement is made by the assignee of a charge, it must refer to the "actual notice" of the person who made the advance.

Documents that are not Deleted

A subsequent encumbrance will not be deleted from the parcel register if it is:

1. A notice of security interest regarding fixtures under the *Personal Property Security Act*, **unless** the chargee makes a statement attesting to the following:
 - that to the best of his/her knowledge and belief the security interest was attached to the goods after they became fixtures, and that he/she did not consent in writing to the security interest nor disclaim an interest in the goods as fixtures; or,
 - that to the best of his/her knowledge and belief the security interest was attached to the goods before they became fixtures, and that to the best of his/her knowledge and belief a subsequent advance, as set out in the *Personal Property Security Act*, was made or contracted for under the charge without actual notice of the security.
2. A claim for lien under the *Construction Lien Act* registered subsequent to the charge will not be deleted from the parcel register if:
 - the chargee was added in the lien claimant's claim for lien and no certificate of action has been registered by the lien claimant; or,
 - the chargee was added in the lien claimant's claim for lien and the lien claimant's certificate of action also adds the chargee as a party defendant; or,
 - the chargee was not added in the claim for lien but was added as a party defendant in the lien claimant's certificate of action or in a certificate of action under which the lien claimant is, or may be, sheltering.
 - If the chargee was added as a party defendant, the claim for lien may still be deleted from the parcel register if a statement of claim is produced in which the lien claimant is declaring priority:
 - only as to some, but not all, advances made under the charge; or,

- only with respect to the increased value of the land since the date the lien first arose.

In these cases only the claim of the lien claimant who registered the certificate of action may be deleted. In addition, all other lien claimants claiming initial priority who are not protected under another certificate of action may be deleted **if** their lien does not add the chargee as a party.

3. A notice of lien for arrears of common expenses under the *Condominium Act*, or the *Condominium Act, 1998*.
4. Interest of a subsequent registered encumbrancer made party to the foreclosure proceedings in the style of cause, but not specifically foreclosed in the final order of foreclosure.
5. A subsequently registered interest with priority (e.g., an assignment of a prior charge).
6. A notice, certificate, caution or other document relating to arrears in land taxes.

NOTE: For liens under the *Mechanic's Lien Act* or Notice of Conditional Sales Contracts that are still listed on the parcel register, contact the local land registrar.

Rules for Sheltering—Construction Lien Act

Refer to the section entitled Transfer Under Power of Sale in this module.

Application Foreclosure Order

According to the *Land Registration Reform Act* - Electronic Registration Regulation, an Application Foreclosure Order must contain the following:

- the order
- a statement affirming that the order is still in full force and effect
- a statement that the chargee is entitled to be registered as owner under the order
- the date of birth of the chargee, if applicable
- a statement identifying the instruments to be deleted from the parcel register as set out in the order, by instrument number and date of registration
- a statement identifying execution creditors foreclosed in the order, by name and writ number
- a statement of spousal status under the *Family Law Act* with respect to every person who is foreclosed in the order and whose spouse is not specifically foreclosed in the order.

Source Instrument

Enter the registration number of the charge that is being foreclosed. Also enter the last assignment, if any.

Property

Once the sourced instrument has been entered, the PIN (s) currently associated with the charge and description(s) are imported into the document. See General Requirements, Property section.

Creation of New Easements and “Easement Only” Remark

Notification of an easement can be placed on a parcel register, at the time of receipt, for those lands (known as ‘easement only lands’) that prior to Teraview 6.1 did not contain a notice of the easement until it was added to the thumbnail description at certification. This optional functionality allows the registrant to identify the ‘easement only lands’ in the document creating the easement and upon receipt the document will be automatically added to the instrument list of these PIN(s). The system will also add the document remark – “New Easement Only” to this entry. Upon certification of the creating document, the easement will be reflected in the thumbnail description of all the PIN(s) and the document and remark will be removed from the instrument list of the easement only PIN(s).

Please refer to the Easement Module for details.

Party From

Enter the name of the court.

Writs of Execution

A search for writs of execution is required. The results of the search are displayed and the appropriate statement must be selected. Note that title to the property is not subject to any writs filed after the issuance of the statement of claim.

Statements

Select the following statements and enter the required information:

900 The applicant is entitled to be entered as owner under the Order

Final Order of Foreclosure

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

If there are encumbrances to be deleted, select the following statement and enter the registration numbers and dates of the encumbrances:

902 The encumbrance(s) listed in the related deletions field is/are subsequent in priority to the charge and is/are to be deleted.

If there are no encumbrances to be deleted, select the statement below.

904 There are no encumbrances to be deleted.

Writs of Execution

If there are writs of execution, select the following statement and enter the writ file number(s):

903 This transaction is being made subject to the following writ(s) of execution writs of executions listed by name and writ number.

If there are no writs of execution, select the statement below.

908 This transaction is not subject to any writs of execution.

Spousal Rights

If title to the land is not subject to spousal rights, select the following statement:

905 Title to the land is not subject to spousal rights under the *Family Law Act*.

If title to the land is subject to spousal rights, select the statement below and enter the required information.

906 Title to the land is subject to the spousal rights of the spouse of name of party.

Owners

Specify the owners to be deleted. Choose the applicable statement of the two below.

3530 All owners are to be deleted under this order.

3531 The owners named here names of owners being foreclosed are to be deleted under this order.

All of the above statements are law statements, except 900 and 906, and may only be signed for completeness by a lawyer.

Other Statements

Schedule

If the appropriate statement was not found above, select the Schedule statement field and enter additional information necessary to explain the situation..

61 Schedule: Text.

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

Evidence

If evidence was submitted to the Land Registry Office, select the following statement and enter the required information:

92 This document is supported by evidence which is indexed at the Land Registry Office as index number number.

Additional Statements

The following statement is optional:

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

Owner

Enter the name of the owner.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

Land Transfer Tax

Enter the value of the consideration of the foreclosure. Once the appropriate statement has been selected, the land transfer tax is calculated and displayed in the Land Transfer Tax field. Also, an electronic land transfer tax statement is created as part of the document. This is required by the Ministry of Revenue.

Land transfer tax is based on the lesser of:

- the value of the consideration determined under clause 1(1)(a) of the Act **plus**
 - the amount owed under the mortgage being foreclosed, including all costs except municipal taxes, **plus**
 - the amount similarly calculated under subsequent mortgages held by the same mortgagee,
- OR
- the fair market value of the property.

Note that the consideration entered in the Consideration Field on the Transfer document should NOT include any amounts paid for chattels; however, these amounts are to be included in 1(h) in the Consideration tab of the Tax Branch.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

An Application Foreclosure Order is required to be electronically signed on behalf of the applicant. See General Requirements, Signatories section.

Easements

An easement is defined as a right or interest annexed to land which permits the owner of the dominant land to impose restrictions on the owner of the servient land as to its use. Certain prerequisites are required. They include the following:

1. There must be a dominant and servient parcel of land. With the exception of Easements in Gross, an easement cannot exist independently of the ownership of land.
2. An easement exists solely for the use and benefit of the dominant land. The purpose of the easement must be set out in the document creating the easement. An easement "runs with the land"; in other words, when the dominant land (or any part of it) is transferred, all appurtenant easements are also conveyed. It is not necessary that the lands physically adjoin one another.
3. The dominant and servient lands must be owned by different parties, or owned in a different capacity by the same party. (Note the exception of Subdivision by Reference Plan procedures outlined in Bulletin 2005-01.) If the same party attains both parcels in the same capacity, the easement is said to merge and therefore it is extinguished. Although the easement merges in law, an application to amend the register is required to remove the easement from the property in the Land Titles system.
4. The purpose of the easement must be capable of forming the subject matter of a grant. The right must be clear and specific.

Creation of Easement

Easements are created by a transfer/grant of easement or a grant/reservation of easement in a transfer of land. They may also be created by other methods such as a court order, an expropriation plan or a condominium declaration.

The creation and removal of many easements is subject to approval under the *Planning Act* (exceptions include but are not limited to: those created through court order, expropriation, temporary easement for less than 21 years and those created over an entire existing parcel) however this is not monitored by the land registration system and compliance is the responsibility of the registrant.

Documents may refer to either a right of way or an easement. In either case the interest is dealt with as an easement and all the procedures and requirements set out for easements apply.

Note that Bulletin 2005-02 revoked the land titles abstracting procedures regarding encumbrances affecting a registered easement. Registrants must search the title of the servient lands to determine if there are any prior interests related to a registered easement.

Transfer of Easement

A transfer creating an easement must include a registerable description in accordance with O.Reg. 43/96, for both the dominant (benefiting) and servient (burdened) lands. The transferor must be the owner of the servient lands and must not be the same party (s) as the owner of the dominant lands (transferee). The transfer of easement is registered and recorded on the servient land(s) only, but during the certification process it is entered in the property description of both the servient lands and the dominant lands.

Creating Easement in a Transfer of Land

When an easement is created in a Transfer of land, a registerable description of both the dominant and servient land, in accordance with O.Reg. 43/96 is required. The Transferor must own both the dominant and servient lands at the time of registration. During processing in the automated system the easement will be entered in the property description of both the dominant and servient lands.

An easement cannot be reserved in favour of a third party.

Creation of Easements and New “Easement Only” Remark

Optional functionality is being introduced whereby notification of an easement can be placed on the parcel register, at the time of receipt, for those lands (known as ‘easement only lands’) that prior to Teraview 6.1 did not contain a notice of the easement until it was added to the thumbnail description at certification.. The registrant may identify the ‘easement only lands’ in the document creating the easement and upon receipt the document will be automatically added to the instrument list of these PIN(s). The system will also add the document remark “New Easement Only” to this entry. Upon certification of the creating document, the easement will be reflected in the thumbnail description of all the PIN(s) and the document and remark will be removed from the instrument list of the easement only PIN(s).

The identification of the ‘easement only lands’ is done by adding the PIN and selecting the “Easement Only” indicator during the creation of the document. The “Easement Only” indicator is located in the Properties section beside the PIN and must be selected before the document is pre-populated with the ‘Transferor/Party From’ information so that the property owners’ name(s) for the ‘easement only lands’ is not pre-populated into the ‘Transferor/Party From’ field. If the “Easement Only” indicator is selected after the transferor/party from information is pre-populated the registrant should cancel the document and start the process again.

When the “Easement Only” indicator is selected, the Properties section will pre-populate the PIN information and it will be identified “For Easement Purposes Only”. This information cannot be amended. In accordance with Bulletin No. 2005-02, the registrant is required to enter a registerable description of both the dominant and servient lands pursuant to O.Reg. 43/96. The procedures outlined in Section 2.2 of that Bulletin must be followed.

If the “Easement Only” indicator is not selected for the ‘easement only lands’ there will be no notice of the easement on the ‘easement only lands’ between receipt of the document and certification.

Other Document Types Purporting To Create New Easements

As easements must be created as set out above, the land registration system will not acknowledge any attempt to create an easement in another document type, such as a charge, agreement or lease. The document may be registered, however no reference to the easement will be made on the parcel.

Prior to the enactment of the *Land Registration Reform Act* in 1984, easements could be created in a charge as charges were considered transfer however upon the registration of the discharge the easement was extinguished.

Easements in Gross

Easements in gross do not have a dominant tenement and are typically obtained by utilities and government agencies. Under the authority of section 39(1) of the *Land Titles Act*, easements in gross may be accepted for registration. The easement will be registered on the

servient lands and upon certification, entered in the property description. The document may include 'dominant' land that may not be contiguous or within the same land registration division. (e.g. their head office). This land will not be verified and the easement will not be entered in the parcel for those lands.

The registrant is required to add a statement identifying the easement as an 'Easement in Gross'.

Assignments of Easement in Gross

The general rule is that an easement cannot be assigned as it runs with the land. The only exception is that of an easement in gross where the purpose(s) or some of the purposes may be assigned using the existing description. If anything less than the entire extent of the easement in gross is being assigned, a registerable description is required for the assigned portion.

Registrants should use an Application General when assigning an easement in gross. The document must include the following statement. "I, (name of Solicitor), Solicitor, state that (name of transferor) has the right to assign the interest herein, in the easement registered as (inst. #) to (name of Transferee)' and be signed by the solicitor.

Easements to Fulfill Obligations in Subdivision Agreements – Rights of Entry

Rights of Entry are often reserved by developers in the first transaction on lots in new plans of Subdivision to permit the completion of obligations, such as grading and the installation of services, pursuant to the subdivision Agreement with the municipality. Rights of Entry are easements, and as with any easement, must clearly identify the benefiting land. The dominant land for Right of Entry easements may be described in a general manner, which readily identifies these lands (e.g. "all those lots within plan M-500 still owned by the transferor"). This is an exception to the general rule that the dominant easement lands are required to be specifically identified for a transfer of easement.

Condominiums

The *Land Titles Act* permits the creation of easements related to condominium properties.

The *Condominium Act, 1998* in turn, provides for statutory easements that are appurtenant to each unit in the condominium. The Act states that by by-law the corporation may grant or transfer an easement through the common elements.

An easement may be created in a Condominium Declaration and Description, provided that it is either:

- an easement through common elements or units, to benefit other land owned by the declarant; or,
- an easement through other land owned by the declarant, to benefit the condominium property.

Easements created in this manner do not merge by operation of the law. They are created as if the declarant were not the owner of both the dominant and servient land.

The condominium property and any appurtenant easement must be registered entirely under the Land Titles System and entirely in the same Land Titles division at the time the declaration and description are registered.

Tenement registered under different Acts

Easements in or over land registered under the *Registry Act* may be conveyed as appurtenant to land registered under the *Land Titles Act* or vice versa.. For detailed procedures, see Bulletin 2005-03 "Easement Certificates".

Division of dominant lands

Upon the severance of a parcel of land, all existing easements appurtenant to the whole benefit each severed portion. Failure to include an appurtenant easement in the transfer of the dominant parcel is not grounds for abandoning or extinguishing the easement. The transfer of part of a parcel should include all appurtenant easements.

The benefit of an existing easement does not extend to after-acquired land.

Transfer of Easement

The following statement has been programmed to form part of the electronic document. It cannot be changed.

The transferor(s) hereby transfers the easement to the transferee(s).

Property

Once the PIN (s) of the servient lands has been entered, data from the Property file in POLARIS is imported into the document. Descriptions must comply with the Regulations, and a reference plan is required in most cases.

In addition to the servient land, the description of the dominant land and the related PIN(s) must be included in the description field of the document. Select 'Add Easement' in the Reason for Change window, and add the description of the dominant lands and label the servient and dominant land as noted in the example below. For an easement in gross, only the description of the servient lands is required.

Example:

PIN 01234-0457

Description: SERVICENT LANDS: PT OF LT 1 PLAN M1234, DESIGNATED AS PART 1
PLAN 435678, TOWN OF ...

DOMINANT LANDS: PIN 01234-0458, LOT 2 PLAN M1234, TOWN OF....

Creation of Easements and New "Easement Only" Remark

Optional functionality is available whereby the registrant may identify the dominant lands (known as 'easement only lands') in the transfer of easement and upon receipt the document will be automatically added to the instrument list of the dominant lands. The system will also add the document remark – "New Easement Only" to this entry. Upon certification the easement is reflected in the thumbnail description of both the dominant and servient lands and the document and remark will be removed from the instrument list of the dominant lands.

The identification of the dominant lands is done by adding the PIN and selecting the "Easement Only" indicator during the creation of the document. The "Easement Only" indicator is located in the Properties section beside the PIN and must be selected before the document is pre-populated with the 'Transferor/Party From' information so that the property owners' name(s) for the dominant lands' are not pre-populated into the 'Transferor/Party From' field. If the "Easement Only" indicator is selected after the transferor/party from information is pre-populated the registrant should cancel the document and start the process again.

When the "Easement Only" indicator is selected, the Properties section will pre-populate the PIN information and it will be identified "For Easement Purposes Only". This information cannot be amended. In accordance with Bulletin No. 2005-02, the registrant is required to

enter a registerable description of both the dominant and servient lands pursuant to O.Reg. 43/96. The procedures outlined in Section 2.2 of that Bulletin must be followed.

If the dominant lands are not identified in a transfer of easement, the document is registered against the servient lands and appears only in the parcel document pool of those lands. Upon certification the easement is reflected in the parcel thumbnail description of both the dominant and servient lands. There is no notice of the easement on the dominant lands between receipt of the document and certification.

Interest/Estate

The interest/estate defaults to Fee Simple. The registrant should change the Interest/Estate to Easement.

NOTE: If a transfer of land is being registered that includes the creation of an easement, the registrant should change the Interest/Estate to Fee Simple with New Easement.

Transferor(s)

The names of the owners of the servient land are imported into the document automatically by POLARIS.

If the name of the transferor(s) is not the same as the name on the parcel register, the appropriate document must be registered separately before the interest is transferred (e.g., Application to Change Name).

Writs of Execution

A search for writs of execution against the transferor(s) is performed automatically by the system. If a writ is found, the results of the search are displayed, and the system will default to the statement that the property is subject to the writ. See the Executions module for more information.

Transferees

Enter the names of the owners of the dominant lands (transferees).

For each party who is an individual, enter the following:

- surname first, followed by at least one given name in full
- date of birth
- capacity
- share (if any)
- address for service.

For a corporation, enter the following:

- full corporate name
- capacity
- share (if any)
- address for service.

Note that the transferee's address for service defaults to the municipal address of the property. This information is imported from POLARIS. Verify and, if necessary, amend this field.

Planning Act Statements

In order to comply with the relevant sections of the *Planning Act*, select *Planning Act* Statements. Although *Planning Act* statements are encouraged, they are not mandatory. Electronic documents without them will not be refused for registration.

By the Transferor(s)

- 21 STATEMENT OF THE TRANSFEROR(S): The Transferor(s) verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene the *Planning Act*.

By the Solicitor for the Transferor(s)

- 22 STATEMENT OF THE SOLICITOR FOR THE TRANSFEROR(S): I have explained the effect of the *Planning Act* to the transferor(s) and I have made inquiries of the transferor(s) to determine that this transfer does not contravene that Act and based on the information supplied by the transferor(s), to the best of my knowledge and belief, this transfer does not contravene that Act. I am an Ontario solicitor in good standing.

By the solicitors for the Transferee(s)

- 23 STATEMENT OF THE SOLICITOR FOR THE TRANSFEE(S): I have investigated the title to this land and to abutting lands where relevant and I am satisfied that the title records reveal no contravention as set out in the *Planning Act*, and to the best of my knowledge and belief this transfer does not contravene the *Planning Act*. I act independently of the solicitor for the transferor(s) and I am an Ontario solicitor in good standing

These statements are consistent with the statements required since the introduction of the *Land Registration Reform Act* and are displayed on the *Planning Act* Statement screen. If all three statements are made, the remark "Planning Act Statements" will be abstracted on the parcel register.

Planning Act Consent

If Planning Act consent has been obtained, select the following statement from the list of Additional Statements:

- 4048 "The name has consented to the severance herein. (import image)."

This information will be abstracted on the parcel register.

Statements

There are additional, non-mandatory statements available for use when creating an easement document.

Schedule

The following statement may be used any time additional information is required. It is intended to allow for supplementary information to be included where necessary. For

example, to set out the purpose, terms and conditions of the easement. A statement identifying the easement as an "Easement in Gross", if applicable, is to be added in Statement 61.

61 Schedule: Text.

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

Compliance with Inhibiting Order

3741 This document is being registered pursuant to Inhibiting Order number.

No Dealings Indicator/Land Registrar's Investigation

For additional statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Land Transfer Tax

Enter the value of the consideration of the transfer of easement, if any. Once the appropriate land transfer tax statements have been selected, the land transfer tax is calculated and displayed in the Land Transfer Tax field. Also, an electronic land transfer tax statement is created as part of the document. This is required by the Ministry of Revenue.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

A Transfer of Easement is required to be electronically signed on behalf of both the transferor and the transferee. See General Requirements, Signatories and General Authority Statement sections.

Release of Easement

An easement ceases to exist when one of the following occurs:

- The owner of the dominant land (or owner of an easement in gross) releases the easement to the owner of the servient land (see Transfer, Release and Abandonment and Deletion of Easement below), or
- The expiry date of the easement is reached or other conditions have been met, or
- The servient land including the easement is expropriated, or
- The same party owns the dominant and servient lands. An application to amend the register noting the merging of title is required to remove the easement from the parcel register.

An easement cannot be released in a subsequent transfer by including a statement that the description excludes the easement described in an instrument number. A separate document releasing the easement is required.

Transfer, Release and Abandonment

The dominant party will complete a Transfer, Release and Abandonment document when they are releasing their interest over servient lands. A Transfer, Release and Abandonment of an easement is registered by the dominant party on the registers for both the dominant and servient lands. Consents of all parties who have acquired an interest (e.g. chargee, debenture holder) in the dominant lands subsequent to the registration of the easement must be evidenced or addressed with a law statement.

The following statement has been programmed to form part of the electronic document. It cannot be changed.

The transferor(s) hereby transfers, releases and abandons the easement to the transferee(s).

Property

Enter the PINS of the dominant and Servient land. For release of easements in gross, only the PIN(s) for the servient lands are entered. Data from the Property file in POLARIS is imported into the document. Since the description is being amended, select "Remove Easement" in the Reason for Change window and amend the descriptions as follows:

- a) Dominant PIN; "DOMINANT LANDS" is entered at the beginning of the description. The description is not amended if the easement was for the benefit of all the lands in the pin. Only the benefiting lands are included if less than the entire pin. If the description contains more than one easement, only the easement(s) being released are included.
- b) Servient PIN: "SERVIENT LANDS" is entered at the beginning of the description followed by the description of the easement lands and registration number of the easement being released.

This document is registered on both the dominant and servient lands.

Example:

PIN 01234-0458

Description: DOMINANT LANDS: LOT 2 PLAN M1234, CITY OF..... T/W EASEMENT
..... AS IN LT12345

PIN 01234-0457

Description: SERVIENT LANDS: PT OF LOT 1 PLAN M1234, PT 1 PLAN 43R5678, AS IN
LT12345, CITY OF

Interest/Estate

The interest/estate defaults to Fee Simple. The registrant should change the interest/estate to Easement..

Transferor(s)

Enter the name(s) of the party or parties releasing the interest in the easement.

Statements

Select the appropriate statement below.

- 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.
- 3637 (Solicitor's name) confirm that all parties having an interest have consented to this release of easement.**
- 3638 (Solicitor's name) confirm that there are no parties with an interest required to consent to this release of easement.**
- 92 This document is supported by evidence which is indexed at the Land Registry Office as index number number.

When Statement 19 is selected, which, states "All the parties having an interest have consented to this release of easement", the consents must also be imported into the document with the use of Statement 61.

The preferred alternative is the use of law statement 3637 above which will negate the need to import the consents.

When Statement 29 is selected, which states "There are no parties with an interest required to consent to this release of easement", Land Registrars are required to verify this statement before deleting an easement from the lands.

The preferred alternative is the use of law statement 3638 above which will negate the need for staff to verify that no consents are required.

For a partial release of an easement enter the registration number (s) in Statement 3730. Identify in Statement 61 that it is a partial release and what is being released. For a complete release of an easement enter the registration number in "Document(s) to be Deleted". If the easement document selected to be deleted cannot be sourced from the document pool of a PIN, the system will not permit the selection. In this scenario use Statement 3730 and/or Statement 61 and identify the easement registration and identify that it is a complete release.

Writs of Execution

A search for writs of execution against the transferor(s) is performed automatically by the system. If a writ is found, the results of the search are displayed and the system will default to the statement that the property is subject to the writ. See the Executions module for more information.

Transferee(s)

Enter the names of the owners of the servient lands.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

Planning Act Statements

To comply with the relevant sections of the *Planning Act*, select *Planning Act* Statements. Although *Planning Act* statements are encouraged, they are not mandatory. Electronic documents without them will not be refused registration.

By the transferor(s)

- 21 **STATEMENT OF THE TRANSFEROR(S):** The Transferor(s) verifies that to the best of the transferor(s) knowledge and belief, this transfer does not contravene the *Planning Act*.

By the solicitor for the transferor(s)

- 22 **STATEMENT OF THE SOLICITOR FOR THE TRANSFEROR(S):** I have explained the effect of the *Planning Act* to the transferor(s) and I have made inquiries of the transferor(s) to determine that this transfer does not contravene that Act and based on the information supplied by the transferor(s), to the best of my knowledge and belief, this transfer does not contravene that Act. I am an Ontario solicitor in good standing.

By the solicitor for the transferee(s)

- 23 **STATEMENT OF THE SOLICITOR FOR THE TRANSFEE(S):** I have investigated the title to this land and to abutting lands where relevant and I am satisfied that the title records reveal no contravention as set out in the *Planning Act*, and to the best of my knowledge and belief this transfer does not contravene the *Planning Act*. I act independently of the solicitor for the transferor(s) and I am an Ontario solicitor in good standing.

These statements are consistent with the statements required since the introduction of the *Land Registration Reform Act* and are displayed on the *Planning Act* Statement screen. If all three statements are made, the remark "Planning Act Statements" will be abstracted on the parcel register.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Land Transfer Tax

Enter the value of the consideration of the Transfer, Release and Abandonment, if any. Once the appropriate land transfer tax statements have been selected, the land transfer tax

is calculated and displayed in the Land Transfer Tax field. Also, an electronic land transfer tax statement is created as part of the document. This is required by the Ministry of Revenue.

Authority

A Transfer, Release and Abandonment document may require *Family Law Act* statements, as well as a statement of age. For detailed instructions, see General Requirements, Authorization of Documents section. Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

A Transfer, Release and Abandonment document is required to be electronically signed on behalf of both the transferor and the transferee. See General Requirements, Signatories and General Authority Statement sections.

Application General - Deletion of Easement

An Application General is to be used when the owner of the servient parcel wishes to apply to delete an easement. It must be supported by evidence of the release and abandonment from the dominant party. Consents of all parties who have acquired an interest (e.g. chargee, debenture holder) in the dominant lands subsequent to the registration of the easement must be evidenced or addressed with a law statement in electronic documents.

Property

Enter the PIN of the servient and dominant (if any) land. Data from the Property file in POLARIS is imported into the document. Since the description is being amended, select the Reason for Change window and select "Remove S/T interest" or "Redescription" and amend the description as follows.

- a) Servient PIN: "SERVIENT LANDS" is entered at the beginning of the description followed by the description of the easement lands and registration number of the easement being released.
- b) Dominant PIN; "DOMINANT LANDS" is entered at the beginning of the description. The description is not amended if the easement was for the benefit of all the lands in the pin. Only the benefiting lands are included if less than the entire pin. If the description contains more than one easement, only the easement(s) being released are included.

This document is registered on both the dominant and servient lands.

Example:

PIN 01234-0457

Description: SERVIENT LANDS: PT OF LT 1 PLAN M1234, PT 1 PLAN 43R5678, AS IN
LT12345, CITY OF

PIN 01234-0458

Description: DOMINANT LANDS: LT 2 PLAN M1234, T/W EASEMENT AS IN LT12345,
CITY OF

Applicant

Enter the name(s) of the owner(s) of the servient lands.

Writs of Execution

A Writs search against the party releasing their interest (the dominant tenement) is required, as the document has the effect of transferring an interest in land. The registrant must search for writs against the dominant owner using the Writs Search™ function in Teraview. The result should be stated in Statement 61.

Party to

Enter the name(s) of the owner(s) of the dominant lands. (This is an optional field).

Statements

Statement 61 should include the following: To the Land Registrar for the Land Titles Division of

I(we),...(name)...registered owner of PIN...(Servient land)..., which is subject to an easement registered as...(number and date)...in favour of PIN...(dominant land)..., hereby apply under the *Land Titles Act* to have the register for the said PINs amended by deleting the said easement...(or portion of said easement...(Omit reference to dominant land if an easement in Gross.

The evidence in support of this application consist of

1. The release of (*dominant party*)
2. The consent of subsequent encumbrancers of the dominant lands. (if any)

The release and consents are to be indexed or one of the following statements to be included in Statement 62:

“All the parties having an interest have consented to the deletion of the easement.” Or

“There are no parties with an interest required to consent to this release of easement.”

The solicitor identified in Statement 62 is to sign the document.

For a partial release of an easement enter the registration number (s) in Statement 3730. Identify in Statement 61 that it is a partial release and what is being released.

For a complete release of an easement enter the registration number in “Document(s) to be Deleted”. If the easement document selected to be deleted cannot be sourced from the document pool of a PIN, the system will not permit the selection. In this scenario use Statement 3730 and/or Statement 61 and identify the easement registration and identify that it is a complete release.

Enter the necessary information into the Statement below

61 Schedule: Text

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

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

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

Land Transfer Tax

An Application General for a release and abandonment of an easement is a conveyance; therefore, land transfer tax is payable on the value of the consideration paid, if any, for the release. Once the appropriate land transfer tax statements have been selected, the land transfer tax is calculated and displayed in the Land Transfer Tax field. Also, an electronic land transfer tax statement is created as part of the document. This is required by the Ministry of Revenue.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

An Application General for release and abandonment of easement is required to be electronically signed on behalf of the applicant. See General Requirements, Signatories and General Authority Statement sections.

Application to Change Name

A person may legally change his or her name pursuant to the provisions of the *Change of Name Act*. He or she may choose to make a name change for a variety of reasons, the most common of which are marriage and divorce. Corporations and organizational groups may decide to change their names as a result of Articles of Amendment, Articles of Amalgamation, statutory provisions or court orders.

Electronic documents import data, including names, from POLARIS. If the name in POLARIS does not match the name in the proposed document, the electronic registration system will not allow the document to be registered. Therefore, an Application to Change Name must be submitted. A person or company owning multiple properties or interests may register just one Application to Change Name for all affected PINS. A separate application to change name is required for each name being changed.

The electronic registration system distinguishes between two types of Applications To Change Name. In order for the parcel register to be properly updated, the correct one must be selected. They are:

- Application to Change Name - Owner
- Application to Change Name - Instrument.

Application to Change Name - Owner

This type of application is used when the ownership of the property is changing. Once the document is registered, the owner's new name will appear in the Ownership field in POLARIS.

Application to Change Name - Instrument

This type of application is used when the owner of an interest in an instrument has changed his/her name (e.g., chargee, lessee). Once this document is registered, the applicant's new name is recorded on the parcel register.

Application to Change Name

Instrument/Property

For an Application to Change Name - Owner, enter the PIN (s). Data from the Property file in POLARIS is imported into the document. If the application affects more than one PIN, enter each PIN. For details see General Requirements, Property section.

For an Application to Change Name - Instrument, enter the instrument number. All the properties currently associated with the instrument are imported into the document.

Parties From

For An Application To Change Name - Owner, the owner's name is imported into the document from POLARIS. This field may be changed if necessary. The Parties From field should reflect the name as it presently appears on title.

NOTE: If ownership of the land is owned 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 search of executions must be completed against the company name set out in statement 61.

For an Application To Change Name - Instrument, enter the former name of the party in the Parties From field.

Writs of Execution

An Application to Change Name - Owner requires a writ search. An Application to Change Name - Instrument does not. A search for writs of execution is performed automatically against the owner's former name (i.e., at the time of registration). The writs function will provide the appropriate statement(s) for dealing with any outstanding writs (i.e., to either clear the writ or make the property subject to a writ); otherwise, the registration cannot be completed. Refer to the Executions module for more information.

There are situations however where a search of executions is required on a party name that is not identified in the Party From field. In the following two scenarios, registrants will be required to search executions.

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 search of executions must be completed against the additional company name set out in statement 61.
2. When the Application to Change Name Owners is quoting more than one change of name in the document, a search of executions will need to be completed against any names that are not included in the Party From field. For example, the owner has changed their name twice since they took ownership of the property. The Application to Change Name Owner is quoting the first name change in statement 61 and the current name is entered into the Applicant field. An auto writ search would be done on the name that is on title and a search of executions must be completed against the additional name set out in Statement 61.

Select the applicable statement below. Both are law statements and can only be signed for completeness by a lawyer. Enter the information required.

If the search for executions by the registrant produces a Clear Certificate, the following writ statement must be selected and completed. The solicitor signing the document will include their name in the statement to confirm that the appropriate parties' names were searched.

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 (name) confirm the appropriate party(ies) were searched.

If the search for executions by the registrant produces an Execution Certificate and identifies writs against the name searched, the following writ statement is to be selected and completed. The solicitor signing the document will include their name in the statement to confirm that the appropriate parties' names 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 (name) confirm the appropriate party(ies) were searched.

In addition, 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.

Applicant

Enter the new name of the party.

Statements - Reason for change

Select the appropriate statement below to explain the reason for the name change. Enter any required information.

- 1602 The name has changed as a result of a marriage/dissolution of marriage and this statement is made for no improper purpose
- 1603 The name has changed as a result of a change of name under the *Change of Name Act* and this statement is made for no improper purpose
- 1604 The name has changed as a result of a change of corporate name authorized under authority and this statement is made for no improper purpose
- 1605 The name has changed as a result of reason and this statement is made for no improper purpose

NOTE: Where statements 1604 or 1605 are used, the details of the name change must be imported into statement 61. Indexing is only allowed when the document as to the details exceeds the system limits.

- 1606 The party executing this document is one and the same as (previous) name and the document evidencing the change of name was registered as number instrument number and date
- 3542 The name has changed as a result of Articles of Amendment. This statement is made for no improper purpose. The Articles of Amendment were attached to registration number number
- 3543 The name has changed as a result of Articles of Amalgamation. This statement is made for no improper purpose. The Articles of Amalgamation were attached to registration number number
- 61 Schedule: Text

NOTE: If the name of the registered owner was registered incorrectly due to a typographical error, an application to change name must be supported by law statements in Statement 62 setting out the circumstances as to the reason for the name change. The solicitor must sign the document.

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

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument the menu bar, select Sign from the drop down menu. This screen provides for the authorization of the completeness and release of the document.

An Application to Change Name is required to be electronically signed on behalf of the applicant. See General Requirements, Signatories and General Authority Statement sections.

Court Orders

A court order, also referred to as a judgment, is issued by a judge in a court case. The court order sets out the action required to implement it. Each court order is unique.

Under the Land Titles System there are four types of court orders that may be registered:

- an Application to Register Court Order, which is entered on the property
- an Application for Vesting Order, which has the effect of conveying lands in accordance with the terms of the order; and,
- an Application to Amend the Register based on a Court Order, which specifies a particular amendment to be recorded on the property.
- an Application for Restrictions Based on Court Order, which restricts dealings with the property.

Occasionally the courts issue orders with conditions attached to them. When such an order is registered the parcel register will not be amended unless accompanied by a solicitor's statement affirming that all the conditions have been fulfilled.

All applications to register court orders in the Land Titles System must be accompanied by a solicitor's statement declaring that the order is still in full force and effect. Court orders must not be indexed with a law statement nor can an affidavit by a solicitor be indexed.

Common Court Orders

Court order discharging Charge

When a discharge of charge cannot be obtained the chargor may apply to the court for an order that discharges the charge. The court order must include the registration number of the charge, the registration date, and an identifiable description.

Support Order

A support order may be registered against the property of a person against whom an obligation to pay money has been ordered in Ontario. Examples include support provisions in a marriage contract, cohabitation agreement or a separation agreement enforceable under the *Family Law Act/Family Responsibility and Support Arrears Enforcement Act, 1996*, as well as orders made by a court in or out of Ontario providing for support payments or other provisions for support.

Upon registration, the support order becomes a charge on the property and may be enforced by sale in the same manner as a sale to realize on a charge. A statement is required, declaring that the document contains support provisions and is enforceable against the land.

For more information on Support Orders, see Bulletin 2017-02.

Discharge or Postponement of Support Order

A discharge may be issued by the Director of the Family Responsibility Office or by a court order. An enforcement officer has the authority to act for the Director and to authorize documentation on behalf of the Director, see Bulletin 2017-02..

To postpone a support order that has become a charge, see Bulletin 2017-02.

The electronic registration system provides for four types of Court Order documents to be registered. These are:

- Application to Register Court Order
- Application to Amend the Register based on Court Order, the most common type
- Application for Vesting Order
- Application for Restrictions Based on Court Order

Creation of New Easements and “Easement Only” Remark

Notification of an easement can be placed on a parcel register, at the time of receipt, for those lands (known as ‘easement only lands’) that prior to Teraview 6.1 did not contain a notice of the easement until it was added to the thumbnail description at certification. This optional functionality allows the registrant to identify the ‘easement only lands’ in the document creating the easement and upon receipt the document will be automatically added to the instrument list of these PIN(s). The system will also add the document remark – “New Easement Only” to this entry. Upon certification of the creating document, the easement will be reflected in the thumbnail description of all the PIN(s) and the document and remark will be removed from the instrument list of the easement only PIN(s).

Please refer to the Easement Module for details.

Application to Register Court Order

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.

Party From

Enter the name of the court.

Applicant

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

Statement

For an Application for Court Order, the Order must form part of the application and the following statement must be selected. The order may be imported as a txt, tif or a pdf format. In addition the text can be data entered into the statement blank. The court order file number and date must form part of the statement. This statement is a law statement and can only be signed for completeness by a lawyer.

3721 The applicant applies to register the following order insert order. The order is still in full force and effect

Additional Statement

The following statement is optional.

61 Schedule: Text

Lawyer’s Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

The following statement is also available.

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

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

Application to Amend Based on Court Order

The *Land Registration Reform Act*—Electronic Registration Regulation states that an Application to Amend the Register based on Court Order must contain the following:

- the order.
- a statement setting out the amendment requested and authorized by the order
- a statement that the order is in full force and effect.

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.

Party From

Enter the name of the court.

Applicant

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

Statements

For an Application to Amend the Register based on Court Order, select the following statement and enter the required information. This statement is a law statement and can only be signed for completeness by a lawyer. The Order must be imported into the document in Statement 501.

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*

The following three statements are also available.

61 Schedule: Text

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

3730 This document relates to registration number number(s)

For a Court Order which has the effect of discharging, releasing and/or vacating a construction lien and/or Certificate of Action, an Application to Delete Construction Lien document type is to be used. See Construction Lien module.

A Certificate of Pending Litigation is deleted by registration of an Application to Amend Based on a Court Order.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

Deletion of a Court Order

The deletion of a Court Order from title can only be effected by registration of another Court Order registered by way of an Application to Amend Based on a Court Order - see above.

Application for Vesting Order

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.

Party From

Enter the name of the court.

Writs of Execution

This type of document requires a writ search to be performed by the registrant.

Owner

Enter the name(s) of the party or parties in whom the property is being vested.

For each party who is an individual, include the following:

- surname first, space, followed by at least one given name in full
- date of birth
- capacity
- share (if any)
- address for service.

For a corporation, include the following:

- corporate name in full
- capacity
- share (if any)
- address for service.

Statements

The statement below is a law statement and can only be signed for completeness by a lawyer. Enter the information required. The Order must be imported into the document in Statement 501.

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*

Schedule

The following statement may be used for any additional information that is required. For example documents that are to be deleted pursuant to the Vesting Order.

61 Schedule: *Text*

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

Land Transfer Tax

An Application for Vesting Order requires land transfer tax. A dollar amount must be indicated (e.g. \$1.00) if the consideration is nominal to enable the Land Transfer Tax statements to print.

Application For Restrictions Based On Court Order

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.

Party From

Enter the name of the court.

Applicant

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

Statement

For an Application For Restrictions Based On Court Order, the Order must form part of the application and the following statement must be selected. The order may be imported as a txt, tif or a pdf format. This statement is a law statement and can only be signed for completeness by a lawyer.

3721 The applicant applies to register the following order insert order. The order is still in full force and effect

The title related restriction being imposed must be set out in the following statement. This statement is a law statement and can only be signed for completeness by a lawyer.

3750 The court order contains the following title related restriction: Insert restriction.

Additional Statement

The following statements are optional.

61 Schedule: Text

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

The following statement is also available.

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

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

Land Transfer Tax

Land transfer tax is optional and would only be used if the order has the effect of transferring land.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

For all types of court orders, the same requirements for authority and signatures apply. For more information on the proper authorization of documents, see General Requirements, Authorization of Documents section. Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

A Court Order type document is required to be electronically signed on behalf of the applicant by his/her solicitor. See General Requirements, Signatories and General Authority Statement sections.

Application to Consolidate Parcels

The registered owner of more than one parcel of land may apply to have the parcels consolidated into one PIN. In order for this to occur, the following conditions must be met:

- the registered owner of all properties must be the same
- the properties must be held in the same capacity
- the properties must be contiguous
- LTCQ properties can only be consolidated with LTCQ properties
- the properties must be governed by the same Act.

If a Land Titles Absolute (LT) PIN is being consolidated with a Land Titles Plus (LT+) PIN, the qualifiers of the new consolidated PIN will be the qualifiers for Land Titles Absolute. The same applies to the date of conversion. If the properties were converted at different times, the earliest conversion date will be the date of the consolidated parcel.

Application Consolidation Parcels

Property

Once the PINs have been entered, data from the Property file in POLARIS is imported into the document.

Do not amend the description of the consolidated parcel in the Property field. Use the statement field provided. See Statements below.

Applicant

The name(s) of the applicant(s), the registered owner(s) is imported into the document from POLARIS.

Statements

The statement below, in which the applicant must enter the proposed description for the consolidation, is a requirement of the document. Descriptions must comply with Regulation 43/96. The land registrar may require a reference plan, particularly if a part of a parcel is being consolidated with the whole of another parcel.

- 401 The registered owner applies to consolidate the selected PINs and the proposed description for the parcels to be consolidated is: enter new description of consolidated land

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

An Application Consolidation Parcel is required to be electronically signed on behalf of the registered owner. See General Requirements, Signatories and General Authority Statement sections.

Application General

The most commonly encountered documents have been provided for in the electronic registration system. However, occasionally there will be a requirement to register a document for which there is no corresponding document type in the system. Examples include the following:

- Applications to remove outstanding interests such as debts, beneficiaries' interest, spousal rights, temporary rights, executions against title as a result of conversion, etc.
- Release and Abandonment of easement
- Deletion of a Notice of Option to Purchase, Right of First Refusal, Life Interest, Mechanics Lien
- Amendment of Lease
- Certificate of Pending Litigation
- Notice of Compliance with Restrictive Covenants
- Merge Title in Fee
- Order-in-Council.
- Deletion of Notice of Vendor's Lien
- Deletion of Restrictions under Section 118 of the LTA

For documents such as these, an Application General must be used. When "Application General" is chosen from the Create New Instrument screen, fields are provided in which the terms of the application may be entered, imported from a word-processing software package, or scanned into the document.

The content of the application must be title related. Note that if the document being registered is a prescribed form under an Act other than the *Land Titles Act*, the prescribed wording must be used.

Registration of a Certificate of Pending Litigation by way of an Application General must have the Certificate imported into document as a txt, tif or pdf attachment.

Application General

Before creating a new document, or selecting "Application General", first ensure that there is no existing document type listed in the Create New Instrument screen.

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. For details see General Requirements, Property section.

Creation of New Easements and "Easement Only" Remark

Notification of an easement can be placed on a parcel register, at the time of receipt, for those lands (known as 'easement only lands') that prior to Teraview 6.1 did not contain a notice of the easement until it was added to the thumbnail description at certification. This optional functionality allows the registrant to identify the 'easement only lands' in the document creating the easement and upon receipt the document will be automatically added to the instrument list of these PIN(s). The system will also add the document remark – "New Easement Only" to this entry. Upon certification of the creating document, the easement will be reflected in the thumbnail description of all the PIN(s) and the document and remark will be removed from the instrument list of the easement only PIN(s).

Please refer to the Easement Module for details.

Applicant

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

Writs of Execution

This type of document generally does not require a search for writs of execution, but has an optional writ search function. If a search for writs of execution is required, select Writs and statements regarding outstanding writs are provided. If necessary, statements regarding the clearance of writs may be made using Statement 61. If a search for writs of execution is required against a Party other than the Applicant, use the "WritSearch" product or "Retrieve Writs" function and select the applicable statement below. Both are law statements and can only be signed for completeness by a lawyer. Enter the information required.

If the search for executions by the registrant produces a Clear Certificate, the following writ statement must be selected and completed. The solicitor signing the document will include their name in the statement to confirm that the appropriate parties' names were searched.

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 (name) confirm the appropriate party(ies) were searched.

If the search for executions by the registrant produces an Execution Certificate and identifies writs against the name searched, the following writ statement is to be selected and completed. The solicitor signing the document will include their name in the statement to confirm that the appropriate parties' names 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 (name) confirm the appropriate party(ies) were searched.

In addition, 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 "Applicant" branch.

The following new writ clearing statement will be available to address a situation where there is an applicable writ but it is being cut out by the document, e.g. Foreclosure.

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

Statements

Select one of the following statements below and enter the required information to describe the terms of the application. The *nature of the amendment* may be keyed in directly or imported into the document.

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 Act to have the register for the said PIN amended by: specify nature of amendment.

61 Schedule: Text

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

Party to

This field is optional.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

Land Transfer Tax

If the document transfers an interest in land, Land Transfer Tax may apply.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

An Application General is required to be electronically signed on behalf of the applicant. See General Requirements, Signatories and General Authority Statement sections.

Below is an example of how an Application General might be used.

Application to Amend the Register

Property

Enter the PIN(s).

Applicant

Enter the name of the applicant, the party applying to register the application.

Schedule

Select one of the following statements below and enter the required information to describe the terms of the application. The *nature of the amendment* may be keyed in directly or imported into the document.

- 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 Act to have the register for the said PIN amended by: specify nature of amendment.
- 61 Schedule: Text

Lawyer's Statement

- 62 I (name) solicitor make the following law statement (insert details).**

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

An Application General is required to be electronically signed on behalf of the applicant. See General Requirements, Signatories and General Authority Statement sections.

Notices

Rights under an unregistered agreement or any other unregistered estate, right, interest or equity in land or in a charge, are protected by the registration of a notice under Section 71 of the *Land Titles Act*.

If the right to be protected is based on an agreement, the agreement must form part of the application. If the application refers to schedules to the agreements, the schedules, too, must form part of the document. Statement 61 (the Schedule statement field) may be used to include this required information. Text may be entered directly into this field, scanned or imported from a word processing package. An agreement imported into a notice is not required to be signed.

An application to register a notice of an agreement may be made by any person, whether a party to the agreement or not. It is not necessary for the registered owner of the land or the charge to consent to the registration. However, if the registered owner is not a party to the document, the application will not be accepted unless all the instruments through which the unregistered interest is claimed have been registered previously or are referred to in notices entered on the property.

Approval by Director of Titles

Section 71 of the *Land Titles Act* provides that the Director of Titles may authorize any person entitled to or interested in any unregistered estate, right, interest or equity in land, to register a notice.

Approval by the Director of Titles to register such a notice has already been given for the following types of documents:

- one that is registered on title, provided that the application is not an attempt to transfer, charge or lease lands
- a previously authorized type of application, which includes the following:
 - an agreement that provides for a charge to secure the payment of a debt or the performance of an obligation (e.g., charge given to secure the obligations under a cost-sharing agreement)
 - an agreement purporting to grant an easement, whether or not the agreement includes a reference to existing easements
 - Notice of Listing Agreement
 - Non-profit Agreements
 - Notice of Purchaser's Lien
 - Notice of Vendor's Lien
 - Notice of Option to Purchase
 - Notice of Agreement Amending Charge See Bulletin 78004
 - Notice of Right of First Refusal
 - Postponement of Execution to a Charge under Section 71
 - Occupancy Agreement
 - Notice of Lodgment
 - Notice of General Assignment of Rents See Bulletin 80001, Bulletin 89001
 - Notice of Agreement under Section 8 of the *Building Code Act*, 1992
 - Notice of Agreement under the *Drainage Act*
 - Notice of Lease of Chattels See EM199709
 - an agreement specifically permitted to be registered by other legislation, most commonly the *Planning Act* (specific statute and section to be cited in the document).
 - Encroachment Agreements - See EM2004-01

Planning Act

The Director of Titles has already authorized the registration of a notice for the following sections of the *Planning Act*:

- Section 28(10): Community Improvement Agreements
- Section 33(7): Demolition Permit Conditions and Liens
- Section 37(3): Increased Density Agreements
- Sections 41(7) and 41(9)(b): Site Plan Agreements
- Sections 51(26) and 51(27): Subdivision Agreements
- Sections 53(12) and 55(4): Severance Consent Agreements.
- Section 31(7): Property Standards Orders (Now *Building Code Act*).

In all other cases it is necessary to obtain the approval of the Director of Titles unless authority for registration is set out in another statute.

NOTE: An agreement that only assumes an obligation is not title related and will therefore be refused for registration.

Expiration of notice

Most applications are expected to contain instructions authorizing the land registrar to delete the notice upon expiration of a specific time period, without separate application. The time period may be a specific date or related to the lifetime of an existing registered document. It may also be dependent on a release executed by certain parties (to be listed in the notice as having such authority). See Bulletin 96001

The period of the registration of the notice may, upon further notice, be extended beyond the expiry date.

Deletion of notice of agreements

An application may state that the notice will be effective for an "indeterminate time", in which case it will not expire as described above and therefore will not be deleted automatically from the register. A court order or the consent of all interested parties is required to delete the notice. Because it is difficult to determine if the interests described in the notice have expired, parties are encouraged to provide a definite expiry date, as described above. See Bulletin 96001

Every application to delete a registered notice of agreement must include a law statement that the consent or release of every party enjoying a benefit under the agreement is included in the application. However, it is not required if the consent or release is by a municipality for a subdivision agreement or for a site plan agreement under the *Planning Act*.

To delete a Notice of Agreement, use Discharge of Interest type. See Discharge of Interest module.

Specific Notices

Some notices that may be registered require explanation.

Notice of Assignment of Rents - General

For Notice of Assignment of Rents – General, see Leases Module.

Notice of Life Lease

A Notice of Life lease can be registered as a Notice of Lease (see Lease module) or as a Notice of Agreement under section 71 of the LTA using Appendix "A" in Bulletin 96001. The

statement from appendix “A” of Bulletin 96001 in the electronic document is a law statement and the lawyer must sign the document.

The lease/agreement may or may not be attached. It is up to the client whether a Notice of Agreement under section 71 is registered, but in either case it must create an interest in land

Notice of Agreement Amending/Extending Charge

A Notice of an Agreement Amending or Extending a Charge requires both parties to the agreement to be entered in the electronic document. A Notice S.71 is used to register this document. The amending or extending agreement can either be imported into statement 61 or the amended terms entered into statement 61.

A Notice of an Agreement Amending or Extending a Charge may be deleted upon registration of a Discharge of the subject charge if reference is made in the discharge or the agreement to the charge.

Notice of Subdivision Agreement

A Notice of Subdivision Agreement is registered against title when a municipality wishes to protect its interests and requires that specific provisions be met when a new subdivision is registered (e.g., roadways, fencing, drainage, maintenance of works, removal of debris, street and traffic signs, sodding, parkland, commencement and completion of works).

Notice of Lodgment of Title

A Notice of Lodgment of Title is registered when a title document is given to a creditor as security for a loan. It may be registered in one of two ways: by a Notice under Section 71 of the *Land Titles Act*, or by use of a charge type document. If the latter is used, all the statutory rights and remedies under the *Mortgages Act* apply. Agreement must be either imported or texted into Statement 61.

Discharge of Lodgment

A discharge of Lodgement of Title is registered using the Discharge of An Interest document type. Refer to the Discharge module.

Non-Disturbance Agreements

A Non-Disturbance Agreement can be registered as a Notice under section 71 using appendix “A as set out in Bulletin 96001. If the agreement includes postponement of rights, these rights will not be acknowledged or given effect. See Bulletin 2002-2.

Notice of Lien for joint use agreements

There is no provision to register a Lien under a joint use agreement. A notice under section 71 of the act, using Bulletin 96001 can be registered.

Notices

The *Land Registration Reform Act*—Electronic Registration Regulation provides that a notice submitted for electronic registration must contain the following:

- a statement confirming that the interest is or affects a valid and existing estate, right, interest or equity in the land described in the notice
- a statement that the notice is pursuant to Section 71 of the *Land Titles Act*
- a statement to include one of the following:
 - the notice will be effective for an indeterminate time

- the land registrar is authorized to delete the notice either after a specified date or period of time has passed, or after specified documents have been deleted
- the land registrar is authorized to delete the notice upon the consent of specified parties.

The electronic registration system distinguishes between several types of notices. After selecting "Notice" a drop-down menu will appear. In order for the relevant statements to be displayed, the correct notice document type must be selected.

The following statement has been programmed to form part of the electronic Notice document. It cannot be changed.

The notice is based on or affects a valid and existing estate, right, interest or equity in land.

Property

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

Applicant

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

Party To

This field is optional depending upon the type of Notice that is being registered.

Statements

Select the following statement:

3550 This Notice is pursuant to Section 71 of the *Land Titles Act*.

Expiry of Notice

Select one of the statements below and enter any required information.

3547 This notice is for an indeterminate period

3545 This notice may be deleted by the Land Registrar after yyyymmdd

3546 This notice may be deleted by the Land Registrar when the registered instrument, number to which the notice relates is deleted

3548 The Land Registrar is authorized to delete the notice on the consent of the following party(ies) parties' name(s)

Compliance with Subdivision Agreement

Compliance/Partial Compliance of Subdivision Agreement

Once all or some of the provisions in the subdivision agreement have been met, a notice of compliance or partial compliance may be registered. There are two distinct document types in this category. They are Notice of Compliance with Subdivision Agreement and Notice of Partial Compliance with Subdivision Agreement.

If a subdivision agreement has been fully complied with, select the following statements:

2401 The applicant gives notice that all terms in the Notice of Subdivision Agreement have been complied with

AND

92 This document is supported by evidence which is indexed at the Land Registry Office as index number number
OR

The following law statement can be made and can only be signed for completeness by a lawyer.

2402 All terms in the Notice of Subdivision Agreement have been complied with

Partial Compliance with Subdivision Agreement

If a subdivision agreement has only been partially complied with, select the following statement and enter the required information.

3549 The applicant gives notice that the following terms in the Notice of Subdivision Agreement have been complied with enter terms

Notice of Vendor's Lien

Notice of Vendor's Lien/Purchaser's Lien

A vendor's lien is usually registered as a result of an unpaid balance of the purchase price.

A purchaser's lien is registered to protect a purchaser's interest under an Agreement of Purchase and Sale when the monies have been paid and the purchaser feels his/her interest must be protected. A purchasers' lien is registered using a notice type document.

A notice of a vendor's lien or a purchaser's lien normally has a registration life of one year from the date of registration. This one-year period may be extended for a further period of one year, if the extent is registered before the expiry date of the previously registered notice or renewal. A registration period of more than one year requires the approval of the Director of Titles.

For a Notice of Vendor's Lien select the following statement and enter the required information.

3706 The applicant applies under the *Land Titles Act* for the entry of a Notice of Vendor's Lien on the said PIN. The vendor's lien is in respect to the right to receive the unpaid balance of the purchase price under Transfer number registered yyyymmdd. The land registrar is authorized to delete the notice upon the expiration of one year unless extended, upon further application, for an additional period

Deletion of Vendor's Lien

A Notice of Vendor's Lien is deleted from the parcel register using the Discharge of An Interest Document type if it has been entered as a "Notice". Refer to the Discharges module. If it is entered as a "Notice of Vendor's Lien", an Application General is used to discharge it. Refer to the Application General module.

Notice of Right of First Refusal/Notice of Option to Purchase

Some documents, such as a lease, may contain a section providing a party to the document the right of first refusal or an option to purchase should the owner decide to sell the property. A Notice of Right of First Refusal or a Notice of Option to Purchase Land may be registered

even if the right/option has yet to be exercised. No proof of the exercise of the right/option is needed.

The document must contain authority to delete the notice upon expiry of the right/option, unless extended upon further application (see Bulletin 86010). If the right or option has been assigned or renewed, a statement is required listing the registration number of that assignment or renewal.

A Notice of Right of First Refusal may be registered as a Notice under Section 71 and the wording from statements 3713, 2603 and either statement 2604 or 2608 manually entered into statement 61.

For a Notice of Option to Purchase, complete the following two statements:

- 3713 The agreement is dated yyyymmdd and the option expires (text)
2603 Provision for renewal or extension enter terms of renewal or extension.

Complete the following statement:

- 3545 This notice may be deleted by the Land Registrar after yyyymmdd

In addition, complete one of the statements below.

- 2608 The following is the complete option to purchase enter right or option to purchase
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

Notice of Security Interest

A Notice of Security Interest is registered to protect an interest in collateral that includes fixtures, goods that may become fixtures, crops, oil, gas or minerals that may be extracted and/or secures the right to payment under a charge or lease. To register a Notice of Security Interest, select the applicable statement(s) and enter the required information:

- 3705 Under a notice of security agreement made between name 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.
3604 Notice is hereby given that by a security agreement made between name of debtor as debtor and name of secured party as secured party a security interest in the right to payment under instrument number has been created.

If a Notice of Security Interest is to be assigned, select one of the following statements and enter the required information:

- 3729 The security interest was assigned on yyyymmdd
3723 The security interest was assigned on yyyymmdd. The assignee last named is the secured party of this notice.

Both statements contain the text from the prescribed form under the *Personal Property Security Act*. To discharge a Notice of Security Interest see Discharges module.

An expiration date for the Notice of Security Interest may be set out.

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

61 Schedule: Text

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

Discharge of Security Interest

A Notice of Security Interest is discharged using a Discharge of An Interest document type. Refer to the Discharges module. The requirements under the Personal Property Security Act must be met.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

Land Transfer Tax

Land transfer tax applies to a Notice of Right of First Refusal or an Option to Purchase. It is payable on the amount of the consideration for the purchase of the option.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

A Notice type document is required to be electronically signed on behalf of the applicant. See General Requirements, Signatories and General Authority Statement sections.

Notice of Change of Address for Service

Notice of Change of Address for Service

A party claiming an interest in a property may notify the land registrar of a change in the address for service. The Notice of Change of Address for Service will identify the new address for service.

The *Land Registration Reform Act*—Electronic Registration Regulation states that a Notice of Change of Address for Service submitted for electronic registration must contain the following:

- registration number of the document that contains the address to be changed, except for a change of address for service of an owner of land
- full particulars of the new address for service.

The electronic registration system distinguishes between the following types of Notice of Change of Address for Service documents. They are:

- Notice of Change of Address for Service - instrument
- Notice of Change of Address for Service - owner
- Notice of Change of Address for Service - condominium (refer to the Condominium Documents module).

Property/Instrument

For a Notice of Change of Address for Service - owner, enter the PIN of the property. Data from the Property file in POLARIS is imported into the document. If the application affects more than one PIN, enter each PIN.

For a Notice of Change of Address for Service - instrument, enter the instrument registration number. The last registered owner of the instrument is imported into the document from POLARIS. The PINS currently associated with the instrument are imported into the document.

Multiple properties or instruments may be entered.

Applicant

The name of the owner of the interest is imported into the document automatically from POLARIS.

Address Change

Enter the new address for service. It must include the following:

- street name and number
- municipality
- postal code
- instrument number the change affects.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

A Notice of Change of Address for Service is required to be electronically signed on behalf of the applicant. See General Requirements, Signatories and General Authority Statement sections.

Leases

If the term of an unexpired lease is 21 years or more, the lessee is entitled to make an application to the land registrar to open a leasehold parcel. If a leasehold parcel is created, instruments dealing with the parcel may be registered against it (e.g., transfer of leasehold interest, charge of leasehold interest).

If the term of an unexpired lease is less than 21 years, or an application for a leasehold parcel has not been made, interests in the lease may only be registered by way of a notice of an interest in the lease against the freehold parcel (e.g., notice of charge of lease, notice of determination of lease).

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

Once notice of a lease or agreement for a lease has been registered, a notice may then be registered of the following:

- a sublease
- a charge of the lease
- a determination/surrender of the lease
- an assignment of the lease
- an amendment of the lease
- an assignment of the lessor's interest in the lease.

Leases and Land Transfer Tax

The registration of a lease or other document relating to an interest in a lease is subject to land transfer tax unless it is exempt pursuant to subsection 1(6) of the *Land Transfer Tax Act*. The value of the consideration is deemed to be the fair market value of the land as at the date of registration.

A lease is exempt from land transfer tax if the unexpired term of the lease, including any renewals or extensions, cannot exceed 50 years. Any lease which is of indeterminate length is considered by the ministry to be a lease that can exceed 50 years.

Although leases whose unexpired term cannot exceed 50 years are not taxable, the applicable land transfer tax statements must be completed. See the Ministry of Revenue guides, *Land Transfer Tax and the Registration of Conveyances of Land in Ontario* and *Land Transfer Tax and the Electronic Registration of Conveyances of Land in Ontario* for more information.

Notice of Life Lease

A Notice of Life lease can be registered as a Notice of Lease using Statements 2601 or 4039, 2604 and any other statements as appropriate or as a Notice of Agreement under Section 71 of the LTA using Appendix "A" in Bulletin 96001 (see Notice module).

The statement from Appendix "A" in the electronic document is a law statement and the lawyer must sign the document. The lease/agreement may or may not be attached.

Lease or Interest in a Lease

The electronic registration system recognizes document type groups dealing with leases. Several different document types are listed on the drop-down menu, each requiring different

statements or evidence to meet registration requirements. Depending on the type of document selected, the system will prompt you to enter either a PIN (e.g., for a Notice of Lease) or instrument number (e.g., for a Notice of Determination of Lease).

The system distinguishes between the following lease types:

- notice of lease
- notice of determination/surrender of lease
- notice of sublease
- notice of assignment of rents
- notice of assignment of lessors/lessees interest
- notice of oil and gas lease
- application for leasehold parcel.

NOTE: For a Notice of Amendment of or other interest in a Lease see Application General module.

For a Notice of Lease of Chattels see Notices module.

For a Notice of Charge of Lease see Charges module.

Property/Instrument

For a lease document sourced by property (e.g., Notice of Lease), enter the PIN (s). Data from the Property file in POLARIS is imported into the document.

For a lease document sourced by instrument (e.g., Notice of Determination of Lease), enter the instrument number. Also enter the last assignment, if any. The last registered owner of the instrument is imported into the document from POLARIS.

Parties From

The names of the Party(ies) From is imported automatically from POLARIS. This field may be amended if the information is not correct (e.g., if the lessor is not the registered owner).

Parties To

Enter the names of the Party(ies) To.

Statements

For each specific lease document, there are both mandatory and optional statements.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Notice of a Lease or an Interest in a Lease

A Notice of a Lease or an Interest in a Lease submitted for electronic registration must include the following:

- a complete copy of the lease or interest, or particulars of the type of interest and/or the term and expiry date of the lease or interest

- a statement of the provisions included for a right or option to purchase or for renewal or extension, if applicable
- a statement that the applicant:
 - within 14 days of receiving a request will produce the lease or the document creating the interest for inspection purposes
 - consents to the cancellation of the notice on presentation of proof satisfactory to the land registrar that the applicant, on request, failed to produce the lease or document creating the lease.

The appropriate statement for a Notice of Lease is either one of the following:

- 2605 The following is the complete lease enter or import lease and its terms
2601 Term: term. Expiry date: yyyy/mm/dd
4039 Term: term. Expiry Date: text

If Statement 2601 or 4039 is selected, the following statement is also required.

- 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

The following statements are optional. The bolded statement may only be signed for completeness by a lawyer:

- 2602 Right or option to purchase, text
2603 Provision for renewal or extension, text
2606 The registered owner(s) is a party to the Lease or consents to the registration of the Notice of Lease

For a Notice of Lease, the system completes an ownership check. If the applicant is not the registered owner, law Statement 2606 is required to allow the registration to be completed.

Notice of Assignment of Lessee's Interest in Lease

If the lessee has assigned his/her interest under a registered notice of lease, a Notice of Assignment of Lessee's Interest in a Lease may be registered.
Select the statement below.

- 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

Select the appropriate statement below and enter any required information.

- 61 Schedule: Text

Lawyer's Statement

- 62 I (name) solicitor make the following law statement (insert details).**

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

92 This document is supported by evidence which is indexed at the Land Registry Office as index number number

Select the following optional statement, if applicable:

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

Notice of Assignment of Lessor's Interest in Lease

If the lessor has assigned his/her interest under a registered notice of lease, A Notice of Assignment of Lessor's Interest in a lease may be registered.

Select the statement below.

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

Select the statement below if required and enter any applicable information.

61 Schedule: Text

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

The following statements are optional:

3701 The applicant(s) acknowledges that the lessor assigning their rights is not the registered owner

3730 This document relates to registration number number(s)

Notice of Assignment of Rents - General

Assignment of rents

Assignment by the lessor of rents under a specific registered lease is considered a specific assignment of rents, as opposed to a general assignment (see below). This document type is referred to as an Assignment of the Lessor's Interest in a Lease and is registered in accordance with Section 111 of the *Land Titles Act*.

A general assignment of rents is considered to be an assignment by the lessor of rents under **unspecified** leases which may or may not be in existence and which may or may not be registered. They are often given as collateral to a registered charge. The general assignment of rents is registered as a Notice under Section 71 of the *Land Titles Act*. See Notices module.

The following statements have been programmed to form part of the electronic document. They cannot be changed. This document may be used for a Notice of Re-Assignment of Rents.

The notice is based on or affects a valid and existing estate, right, interest or equity in land
The assignor(s) hereby assigns their interest in the rents of the above described land.

Select the statement below.

3708 The applicant applies for the entry of a notice of general assignment of rents

Select one of the following statements and enter any required information:

3545 This notice may be deleted by the Land Registrar after yyyymmdd.

3546 This notice may be deleted by the Land Registrar when the registered instrument, number to which this notice relates is deleted

3547 This notice is for an indeterminate period

3548 The Land Registrar is authorized to delete the notice on the consent of the following parties parties' names.

NOTE: If the assignee is registering the document electronically they must be entered in the "applicant field" and a copy of the agreement must be imported into Statement 61 showing the owner/assignor as a party. If the owner/assignor is shown in the "Applicant field" it is optional whether the agreement forms part of the document

61 Schedule: Text

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

The following statement is optional:

3701 The applicant(s) acknowledges that the lessor assigning their rights is not the registered owner

Notice of Assignment of Rents - Specific

The following statements have been programmed to form part of the electronic document. They cannot be changed.

The applicant applies for the entry of a notice of specific assignment of rents.
The assignor(s) hereby assigns their interest in the rents under the interest specified.

If the assignee is registering the document electronically they must be entered in the "applicant field" and a copy of the agreement must be imported into Statement 61 showing the owner/assignor as a party.

If the owner/assignor is shown in the "Applicant field" it is optional whether the agreement forms part of the document

61 Schedule: Text

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

The following statement is optional:

3730 This document relates to registration number number(s)

Notice of Sublease

Sublease

Once a lease has been registered, a lessee may register a sublease in which his/her interest in the lease is sublet to another party.

The appropriate statement for a Notice of Sublease is either one of the following:

2607 The following is the complete sublease: enter or import sublease and its terms

2601 Term: term of sublease. Expiry date: yyyymmdd.

4039 Term: term. Expiry Date: text

If Statement 2601 or 4039 is selected, the following statement is also required.

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.

The following statements are optional:

2602 Right or option to purchase, details

2603 Provision for renewal or extension, enter provision, if any.

Notice Charge of Lease

For instructions for a Notice of Charge of Lease, see the Charge module.

Notice of Charge of Lease

Once a notice of lease has been registered, the lessee may charge the interest by registering a Notice of Charge of Lease. This document is supported by information setting out the terms of the charge. If default occurs under the Notice of Charge of Lease, the chargee may initiate power of sale proceedings. A Notice of Assignment of Lessee's Interest in Lease should be registered. (see the Sale by Chargee module).

The Charge of Lease has the option to select ALL/PARTIAL/NONE. A Notice of Charge of Lease may be discharged by a Discharge of Charge (see the Discharges of Charge module).

Assignment of a Notice of a Charge of Lease

The chargee under a registered Charge of Lease may assign the Charge of Lease. An Assignment of a Notice of a Charge of Lease may be registered by way of an Application General with wording from form 32, O. Reg 690 included in Statement 61. (See Application General module)

Notice of Determination

Notice of Determination of Lease

When a Notice of Determination of a Lease is registered on a parcel register and is terminated by written agreement, it is treated as an application to amend the register and the notice of lease and assignments will be deleted. If the lease has not been terminated by written agreement, the land registrar may delete the notice of lease with an application to amend the register. The application must be supported by a statement by the lessor declaring that the term of the lease has been determined and that there is no occupation under it.

In either case, if a notice of lease has been charged, the land registrar must be satisfied that the term of the lease has expired or that the chargee has consented to the Notice of Determination. A separate Discharge of Charge is required to delete the Charge of Lease.

Notice of Determination of Lease

A Notice of Determination of Lease submitted for electronic registration must contain the following:

- the registration number and date of registration of the notice of lease
- a statement that the lease has been determined
- a statement that the applicant, on request, did not produce the lease or document creating the lease, if applicable.

Select the statements below. These two statements are law statements and may only be signed for completeness by a lawyer:

- 2621 I have the authority to determine the lease against the identified lands**
2623 The conditions that are required to determine the lease have occurred.

Surrender of Lease

If the lease is being surrendered by the lessee, the lessee may make the following statement. The agreement may form part of the document. The actual surrender is not required to be attached. An Application General may be used for a Surrender of Lease and the wording of statement 2624 is to be incorporated into statement 61.

2624 Name hereby surrenders their interest in the lease

The following statements are optional:

61 Schedule: Text

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

3730 This document relates to registration number number(s)

Deletion of Lease by Registered owner

The owner can apply to delete a lease where the lease has been determined and there is no occupation under the lease without using law statements. The registrant can use an Application General with the required information included in Statement 61. In this situation Land Transfer Tax statements are not required to form part of the document.

Notice of Oil and Gas Lease

The appropriate statement for a Notice of Oil and Gas Lease is either one of the following:

2605 The following is the complete lease enter or import lease and its terms

2601 Term: term of lease. Expiry date: yyyymmdd.

4039 Term: term. Expiry Date: text

If Statement 2601 or 4039 is selected, the following statement is also required.

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.

The statements below are optional. The last is a law statement and may only be signed for completeness by a lawyer:

2603 Provision for renewal or extension, enter provision, if any

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

NOTE: To delete a Notice of Oil and Gas Lease, use a Notice of Determination/Surrender of Lease. See Bulletin 98002 and External Memo EM199910.

Application for Leasehold Parcel

An Application for Leasehold Parcel may be registered by the lessee under a registered lease. The unexpired term of the lease must be 21 years or more, including the right of renewal.

Select the following statement and enter the required information:

2690 The applicant(s) is entitled for their own benefit to a leasehold estate for a term of number of years from yyyymm/dd, in brief legal description being the freehold land registered as the selected PIN.

The application must include the following:

- a complete copy of the lease or
- a statement that the applicant:

- within 14 days of receiving a request will produce the lease or the document creating the interest for inspection purposes

Select the applicable statements below and enter the required information.

- 2605 The following is the complete lease (*enter or import lease and its terms*)
- 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

If a leasehold parcel is to be merged with the freehold parcel, use an Application General to merge the leasehold into the freehold.

NOTE: For an Application for Leasehold Parcel, *Family Law Act* statements, as well as a statement of age, may be required.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

The system will prompt for the document to be electronically signed on behalf of one or two parties, depending on the document being filed for registration. See General Requirements, Signatories and General Authority Statement sections.

Executions

A writ of execution or its renewal does not bind land registered under the *Land Titles Act*, unless the judgment creditor requests that the Sheriff file the writ in the Land Titles System. A writ is presumed to have expired six years from the date it was issued. If a writ is renewed, the renewal must also be filed in the Land Titles System.

Liens under the *Bail Act* may also be filed as writs of execution. There are two differences, however: only the lands mentioned in the lien are bound and there is no automatic expiry date. Liens under the *Legal Aid Act* were also filed as writs of execution until 1998 and therefore the same provisions may apply.

Instruments Requiring Execution Searches

Generally, any time ownership is changed, a search for outstanding writs of execution must be performed.

Automatic Writ Search

Teraview will perform an automatic writ search against the instruments below that are expressly subject to an outstanding execution search against the registered owner:

- transfer of freehold land
- transfer of easement
- application to have beneficiaries registered as owner (any executions against the deceased owner apply)
- survivorship application
- transfer, release and abandonment of easement
- change of name application (for owners) (also see Change Name Module)
- plan document - against the registered owner of lands dedicated to the municipality, if any

Writ Search by Registrant

Teraview cannot perform an automatic writ search on the instrument types noted below 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 by the registrant using the 'WritSearch' product or 'Retrieve Writs' function, and if a writ is found, the applicable writ statement must be selected.

- sale under power of sale and any other proceeding that removes the registered owner
- combined survivorship/transmission (against the first deceased)
- application general - release and abandonment of easement and where an owner(s) interest is "cut out" by the registration of the application general
- transfers from personal representative (executions against the deceased and any beneficiary releasing his/her interest)
- application to delete debts (against a prior deceased owner).
- change of name application (for owners) in some situations (see Change Name Module)
- transfers from a trustee in bankruptcy in some situations See Transfer Module)
- transfer by a partnership (see Transfer Module)
- survivorship application in addition to the Automatic Writ Search (See Survivorship Module)

Writ Search by Land Registry Office

An automatic writ search IS NOT PERFORMED by the system on the following documents. The registrant should search writs of execution and deal with them (if any) in the document. Land Registry Office staff will perform a search for writs of execution at the time the document is certified and, if there are writs outstanding, will contact the registrant. This list is not exhaustive.

- foreclosure application
- vesting order
- tax deed (by a Municipality)

Exceptions to the Above

Similar Names

The title of a registered owner is not subject to a writ of execution issued against him/her under a different name. An application to amend the writ may be made.

If there is evidence that a registered owner also uses another name, both names are subject to writs of execution. For example, if a death certificate is submitted in which the name is different, a statement is required affirming that it is one and the same person as the name on the parcel register. Both names must then be searched.

Transfer by Personal Representative

When property is being transferred by the personal representative of an estate, registrants must perform a search for writs of execution against the deceased registered owner since the electronic registration system does not automatically perform a writ search. A writ search is mandatory on a Transfer of this nature.

Partnership Property

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 enable a search for writs of executions to be made against that name.

Executions

If the name of the registered owner on the parcel register has the same surname and one same given name as the name of the judgment debtor, the parcel register is subject to any writ issued against the judgment debtor, unless during the registration process one of the statements below is selected. For each transferor, statements are available for each writ identified from the results of the search.

General Writ Statements

- 807 This document is supported by evidence
- 803 I am not the party in the writ and the judgment is less than \$50000
- 805 The party is not one and the same as the party named in this writ and the judgement was less than \$50000
- 814 This property is subject to this writ

Statement re: writs against deceased joint tenant

- 607 There is a writ of execution but the sheriff has not advertised the lands for sale to enforce the writ

- 608 There is a writ of execution but the date of death was within 6 months of the filing of the writ

Statements by a solicitor

- 804 **A complete, unconditional and unqualified release from the judgement creditor for this writ has been obtained.**
- 806 **This writ does not bind this property as it specifically relates to other land.**
- 813 **The judgment creditor(s) states that the registered owner is not one and the same as the party named in this writ**
- 820 **The judgment creditor named in this writ releases any interest under the writ in this parcel**
- 3524 **The party is not one and the same as the party named in this writ.**

NOTE: An individual may make a statement if the principal amount of the writ is less than \$50,000. If the principal amount is more, a solicitor's statement or a statement by the judgment creditor is required.

Statements when automatic writ search not performed

If the search for executions by the registrant produces a Clear Certificate, the following writ statement must be selected and completed. The solicitor signing the document will include their name in the statement to confirm that the appropriate parties' names were searched.

- 3629, 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 (*name*) confirm the appropriate party(ies) were searched.**

If the search for executions by the registrant produces an Execution Certificate and identifies writs against the name searched, the following writ statement is to be selected and completed. The solicitor signing the document will include their name in the statement to confirm that the appropriate parties' names were searched.

- 3630, 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 (*name*) confirm the appropriate party(ies) were searched.**

In addition, the writ number(s) and the name(s) searched will need to be entered on the writ tab and the appropriate writ statement selected from the list.

The following new writ clearing statement will be available to address a situation where there is an applicable writ but it is being cut out by the document, e.g. Foreclosure.

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

Land Registry Office Index Number

In addition to the above, evidence in lieu of law statements may be indexed. For example, a complete, unconditional and unqualified release from the judgment creditor may be filed with the Land Registry Office. If this is the case, include the index number in the following statement:

- 92 This document is supported by evidence which is indexed at the Land Registry Office as index number number

Application to Delete Executions

An application to delete executions is required when a writ of execution is entered on the parcel register. For example, if it was not possible to make the required statement prior to the date of closing or to produce evidence, the parties to a transaction may agree to register subject to an execution. When the required evidence is available, the vendor or purchaser may make the application.

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. For details see General Requirements, Property section.

Applicant

Enter the name of the party applying to have the execution deleted.

Writ Deletions

Enter the following in the appropriate fields:

- writ number
- plaintiff(s)
- defendant(s)
- amount

NOTE: The plaintiff(s), defendant(s) and amount are not required where either of the law statements are made that the writ has expired and not been renewed or that the writ has been discharged or withdrawn (Statements 3525 & 3526 are made).

Statements

For each writ, select the appropriate statement(s) below and enter any required information.

- 802 This document is supported by evidence that is indexed at the Land Registry Office as index no. number

From the solicitor

- 804 **A complete, unconditional and unqualified release from the judgment creditor for this writ has been obtained**
- 806 **This writ does not bind this property as it specifically relates to other land**
- 808 **Name, a previous registered owner is not one and the same as the party named in the writ**
- 809 **Name(s), the judgment creditor(s) states that the registered owner is not one and the same as the party named in writ writ number**
- 810 **Name, the deceased is not the party named in writ writ number**
- 820 **The judgment creditor named in this writ releases any interest under the writ in this parcel**
- 3525 **The writ has expired and has not been renewed**
- 3526 **The writ is discharged or withdrawn**

NOTE: If Statements 3525 or 3526 are selected, only the writ number is required to be entered in the appropriate field.

Where the writ of execution is no longer on file, the party can make the statement in Statement 61 upon the registration of an Application General.

An application to delete executions by the registered owner where the owner is not one and the same party as in the writ may be registered by way of an Application General. Particulars of the writ are set out in Statement 61 along with the statement that the registered owner (*name*) is not one and the same as the debtor name in the writ. The registered owner can make the statement where the value of the writ is under \$50,000.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

An application to delete executions is required to be electronically signed on behalf of the applicant. See General Requirements, Signatories and General Authority Statement sections.

Postponement of Interest

According to the *Land Titles Act*, the owner of a registered instrument may postpone that interest to another registered interest in an instrument. For example, a charge may be postponed in favour of another charge, or an assignment of rents may be postponed to a charge. In effect, the rights of priority acquired by registration are postponed to rights acquired or claimed under another registered instrument. Priority in respect to all, or a part, of the monies secured by a charge may be postponed to the money secured by a charge subsequently registered.

In addition, a postponement of an unregistered interest, such as a writ of execution, to a charge is permitted under Section 71 of the *Land Titles Act*. See the Notices module for more information.

Postponements of rights included in a non-disturbance agreement may be registered as Postponement of interest. The non-disturbance agreement may be attached to the postponement and the documents will be abstracted as a postponement. Documents dealing with the same interest may be postponed in one document. (e.g. Charge and Notice of General Assignment of Rents)

Postponement of Interest

The *Land Registration Reform Act*—Electronic Registration Regulation provides that a Postponement of Interest must contain the following:

- the registration number and date of the instrument containing the interest being postponed, and the registration number and date of the instrument containing the interest to which it is postponed
- a statement that the document postpones the interest.

An Application General incorporating the prescribed wording from the Postponement to Interest document pursuant to subsection 78(6) of the *Land Titles Act* into Statement 61 is to be used if the documents to be postponed cannot be sourced.

Source Instrument

Enter the registration number of the instrument being postponed. All the PIN (s) currently associated with the instrument are imported into the document.

Property

Once the source instrument has been entered, the PIN (s) currently associated with the instrument and description(s) are imported into the document. See General Requirements, Property section.

Party From

Enter the name(s) of the party or parties postponing their interest.

Statements

Select the statement below and enter the required information.

- 2801 The applicant postpones the rights under the selected instrument to the rights under an instrument registered as number number.

The following statement may be used any time additional information is required. For example, if more than one related registration is being postponed in one Postponement of Interest document e.g. charge and assignment of rents.

61 Schedule: Text

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

Party To

Enter the name(s) of the party or parties to whom the interest is being postponed.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

A Postponement of Interest document is required to be electronically signed on behalf of the Parties From. See General Requirements, Signatories and General Authority Statement sections.

Government Order/By-Law

A by-law is created by an authority whose powers are delegated through provincial legislation, such as a municipality. A by-law is registered in the local Land Registry Office only if it relates to an interest in land.

By-laws are created in order to place regulations on certain jurisdictions, in this case usually with respect to property or undertakings related to property, and are binding for residents of that region. For example, a municipality might wish to dedicate certain lands to form part of a public highway. A by-law would be passed by the municipality and registered in the Land Registry Office in which the lands are situated.

In the Land Registration System there are three distinct types of by-laws. They are:

- by-laws and repealing by-laws, enacted by a municipal authority
- by-laws made pursuant to various Acts (e.g., *Municipal Act*, *Planning Act*, *Public Transportation and Highway Improvement Act*)
- by-laws passed by a condominium corporation (see the Condominium Documents module, Condominium By-Law section).

Requirements for Electronic Registration

The electronic registration system provides for the registration of three types of by-laws and the Government Orders. They are:

- Application to Register By-laws
- Application by-law Deeming Plan Not a Plan
- Application by-law to Establish Public Highways
- Application to Register Government Order.

An application to register an order or by-law submitted for electronic registration must contain the following:

- a statement by the applicant that the order or by-law affects land or an interest in land
- the order or by-law
- a statement that the order is still in full force and effect.

Government Order/By-Law

The following statement has been programmed to form part of the electronic document. It cannot be changed.

This Order/By-law affects the selected PINs.

Property

Once you have entered the PIN, data from the Property file in POLARIS is imported into the document. If the by-law/Government Order affects more than one PIN, enter each PIN. For details see General Requirements, Property section

Applicant

Enter the name of the party applying to register the by-law/Government Order.

Statements

Select the appropriate statement below and enter any required information. The first statement is a law statement and can only be signed for completeness by a lawyer.

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

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

61 Schedule: Text

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

A Government Order/By-Law document is required to be electronically signed on behalf of the applicant. See General Requirements, Signatories and General Authority Statement sections.

Construction Lien

A construction lien is an interest that may be registered in accordance with the provisions of the *Construction Lien Act*. Its purpose is to protect the rights and interests of workers and suppliers, and to obtain money owed for work performed, materials supplied, or wages earned.

Anyone claiming a lien under the *Construction Lien Act* may register a lien; the consent of the owner of the property is not required. Registering the lien on title is known as "preserving" the lien. Persons with liens on the same premises may unite and submit one claim for lien.

NOTE: Time limits for the registration of construction liens are not monitored by the Land Registration System.

Construction liens are **not** registered in the Land Registry Office for the following:

- a public street or highway owned by a municipality
- property owned by the Crown
- a railway right of way.

However, under the *Construction Lien Act*, the lien may be preserved by submitting a copy to the clerk of the municipality, to the ministry or Crown agency, or to the Ontario office of the railway.

Liens may be registered against lands owned by a municipality or a railway other than a public street or highway or a railway right of way.

Certificates of Action

A certificate of action is a certificate issued by a court of law that certifies that an action has commenced in the court under the *Construction Lien Act*. A construction lien is preserved when a claim for lien against the affected properties is registered at the Land Registry Office. The Act requires that an action be commenced within a specific time period; the registration of a certificate of action perfects the claim for lien. A lien claimant may perfect a lien either by commencing an action or by sheltering under another perfected lien. The certificate of action lists the names of the plaintiff and defendant, as well as the registration number(s) of the lien(s) and a description (which must be the same as the lien itself).

To register a Certificate of Action use Certificate type document - see the Certificates module.

Sheltering

A claim for lien may be protected (sheltered) under a certificate of action that has already been registered. The claimant does not have to initiate a separate certificate of action; instead, the lien claimant can use (or shelter under) an existing one. A lien may shelter under an existing perfected lien at the time of registration or under any lien perfected between the date the claimant's lien is registered and the expiry of its perfection.

Since the Land Registry Office does not monitor time limitations, a lien is considered to be properly sheltered under any existing perfected lien. A claim may properly shelter under an existing perfected lien even if there has been improper preservation (or registration) or perfection of the lien.

Rules for Sheltering

The rules for sheltering are as follows:

1. A lien may be registered only for services or materials already provided. The same lien claimant may register several successive claims for lien under the same contract.
2. Each claim should be considered independently, even if there are additional claims for lien registered by the same claimant.
3. Each lien may not necessarily shelter under the same certificate of action.

For information on sheltering and powers of sale and foreclosure, see the respective sections.

Discharge of Lien and Certificate of Action

A claim for a construction lien is discharged by a release signed by the claimant. A lien can be partially discharged without affecting other properties. The release may also contain a consent to vacate a certificate of action.

Release of Lien

The *Land Registration Reform Act* - Electronic Registration Regulation provides that a Release of Lien must include the following:

- registration number of the claim for lien
- if a certificate of action has been registered, the registration number of the certificate of action and a statement that either:
 - no other claims for a lien have been registered, or
 - no other registered claims for a lien are sheltered under the certificate
- evidence satisfactory to the land registrar that the claim for lien does not affect the land described in the application, to be in the form of:
 - a statement by the applicant that the lien claimant has released the claim for lien
 - a statement that the lien has expired because no certificate of action has been registered within the required period under the *Construction Lien Act*
 - a court order discharging, vacating or releasing the claim for lien and vacating any certificate of action (see below).

Discharge by Court Order

A lien and certificate of action may be discharged or vacated by court order. The order must include the description and refer to the registration number of every lien and certificate of action being discharged. A solicitor's statement affirming that the order is still in full force and effect is required.

Application to Amend the Register

An expired construction lien may also be released when an application to amend the register is based upon evidence by a solicitor that pursuant to legislation the lien has expired. This evidence will be based upon a solicitor's statement.

Construction Lien

Property

Once the PIN has been entered, data from the Property file in POLARIS is imported into the document. If the construction lien affects more than one PIN, enter each PIN. For details see General Requirements, Property section.

Claimant

Enter the name(s) of the lien claimant(s). Also enter the address for service.

Statements

A Construction Lien may be registered in one of two ways. Either by using the following statements which contain the information as the prescribed form under the *Construction Lien Act* or by importing the Construction Lien in its entirety into Statement 61 (see below).

Affirmation of Facts

With the amendments to the *Construction Lien Act* the statements below are optional.

- 2521 I am the lien claimant and the facts stated in the claim for lien are true.
- 2522 I, name, am the agent of the lien claimant and have informed myself of the facts stated in the claim for lien and believe them to be true.
- 2523 I, name, am a trustee of the Workers' Trust Fund which is named as the lien claimant and have informed myself of the facts stated in the claim for lien and believe them to be true.

Contract Details

Select the statement below and enter the required information.

- 3707 Name and address of owner name and address.
Name and address of person to whom lien claimant supplied services or materials name and address.
Time within which services or materials were supplied from yyyymmdd to yyyymmdd.
Short description of services or materials that have been supplied brief description.
Contract price or subcontract price amount.
Amount claimed as owing in respect of services or materials that have been supplied amount.

Re-claim

Select the applicable statement below and enter any required information.

- 3711 The lien claimant claims a lien against the interest of every person identified as an owner of the premises described in said PIN to this lien.
- 3712 The lien claimant claims a charge against the holdbacks required to be retained under the Act and any additional amount owed by a payer to the contractor or to any subcontractor whose contract or subcontract was in whole or in part performed by the services or materials that have been supplied by the lien claimant in relation to the premises at address

OR import the Construction Lien in its entirety and/or any additional information into the statement below.

- 61 Schedule: Text

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

A Construction Lien is required to be electronically signed on behalf of the lien claimant. See General Requirements, Signatories and General Authority Statement sections.

Application to Delete Construction Lien

The following statement has been programmed to form part of the electronic document. It cannot be changed.

The applicant applies to delete the selected lien and/or certificate of action.

Only one lien and/or related certificate of action may be released when statement 701 below is selected.

Instrument

Enter the registration date and number of the construction lien, if any. Also enter the last assignment number of the lien, if any, and its date of registration. The name of the last registered owner of the lien is imported into the document from POLARIS.

Applicant

The name(s) of the lien claimant(s) is imported into the document. The name of the imported party may be amended if required.

Statement

Select the appropriate statements below and enter any required information.

It is important to explain the basis for the release of the lien and/or certificate of action. The second and third statements are law statements and can only be signed for completeness by a lawyer:

- 701 The lien claimant releases the lien claimed in the claim for lien as in registration number number, and in respect to an improvement to the premises owned by owner(s) name and described in the PIN (s) identified.

- 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.

Other Statements

Select the appropriate statement(s) below and enter any required information. The first four are law statements and can only be signed for completeness by a lawyer. To facilitate the deletion of a certificate of action that may or may not have another lien sheltering under it, law statement 710 has been added to the statements below.

- 710 The deletion of Certificate(s) of Action number(s) number is in accordance
with the *Construction Lien Act*.
- 705 There is sheltering of another lien under Certificate of Action registered as
number number.
- 706 There is no sheltering of another lien under Certificate of Action registered as
number number.
- 703 The lien has expired since no certificate of action has been registered within
the prescribed time under the *Construction Lien Act*.
- 704 The lien claimant, who is a party to the certificate of action, hereby consents to the
release of the certificate of action registered as number number.
- 707 A certificate of action has been registered and no other claims for lien have been
registered.
- 709 The lien is released and no certificate of action has been registered.
- 61 Schedule: Text

Lawyer's Statement

- 62 I (name) solicitor make the following law statement (*insert details*).

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

If the Application to Delete Construction Lien is only deleting the construction lien Statements 705 or 706 are not required. If only one lien and one certificate of action has been registered, Statement 707 must be selected.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

An Application to Delete Construction Lien is required to be electronically signed on behalf of the applicant. See General Requirements, Signatories and General Authority Statement sections.

Certificate of Lien under the *Housing Development Act*

Pursuant to the *Housing Development Act*, the Minister may make grants or loans to a municipality or person. Until the loan is repaid it is a lien or charge on the land.

Registering a Certificate of Lien—*Housing Development Act*

A certificate authorized by the clerk of the municipality may be registered. The certificate must contain the following:

- the amount loaned to the owner
- the rate of interest
- a description of the land to which the loan applies.

Discharging a Certificate of Lien—*Housing Development Act*

The lien or charge is discharged when the following conditions have been met:

- full repayment to the municipality of the amount loaned, together with interest
- a certificate signed by the clerk or deputy clerk of the municipality affirming that the repayment has been received in full.

No fee is charged for the registration of this type of lien or discharge.

Certificate of Lien—Housing Development Act

The electronic registration system provides for the registration of a Certificate of Lien under the *Housing Development Act*.

Property

Once the PIN has been entered, data from the Property file in POLARIS is imported into the document.

Claimant

Enter the name of the municipality.

Statements

Select the statement below and enter the required information.

2551 The Municipality gives notice that it has a lien under the *Housing Development Act* for amount of loan at an interest rate of interest rate.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

A Certificate of Lien—*Housing Development Act* is required to be electronically signed on behalf of the municipality. See General Requirements, Signatories and General Authority Statement sections.

Application Delete Housing Development Lien— *Housing Development Act*

The electronic registration system provides for the registration of a discharge of Certificate of Lien created under the *Housing Development Act*.

Source Instrument

Enter the registration number of the Certificate of Lien. All the properties currently associated with the Certificate of Lien are imported into the document.

Property

Once the sourced instrument has been entered, the PIN (s) currently associated with the instrument and description(s) are imported into the document. See General Requirements, Property section.

Discharging Party

The name of the municipality is prepopulated from POLARIS.

Statements

The following statement has been programmed to form part of the electronic document. It cannot be changed.

The applicant applies to delete the selected lien.

Select the appropriate statement below.

- 751 The application is based on a release/discharge by the lien claimant.
61 Schedule: Text.

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

Application to Delete Housing Development Lien—*Housing Development Act* is required to be electronically signed on behalf of the municipality. See General Requirements, Signatories and General Authority Statement sections.

General Liens and Certificates

Many Acts provide for the registration of liens: for example, the *Mining Tax Act*, the *Income Tax Act* and the *Retail Sales Tax Act*, for liens for unpaid taxes. Others Acts provide for the registration of certificates, such as the *Environmental Protection Act*.

In the electronic registration system there are two general document types that allow such liens and certificates to be registered. Prescribed forms under the specific Act are to be entered into the electronic document. The general Lien and Certificate document types allow these forms to be properly recorded in the parcel register. There is no provision to register a Lien under a joint use agreement. A notice under Section 71 of the act, using Bulletin 96001 can be registered.

A Certificate of Pending Litigation may be registered as a Certificate. The certificate must be imported into Statement 61.

Deletion of the Certificate of Pending Litigation may be completed by registration of an Application to Amend Based on a Court Order.

Liens and Certificates

The electronic registration system provides for the registration of general liens and certificates. To release or discharge a lien or certificate registered as this document type, see the Discharges module, Discharge of An Interest section. For a Discharge of Certificate of Action, use Discharge of Construction Lien - see Construction Lien Module.

Property

Once the PIN has been entered, data from the Property file in POLARIS is imported into the document.

Creation of New Easements and “Easement Only” Remark

Notification of an easement can be placed on a parcel register, at the time of receipt, for those lands (known as ‘easement only lands’) that prior to Teraview 6.1 did not contain a notice of the easement until it was added to the thumbnail description at certification. This optional functionality allows the registrant to identify the ‘easement only lands’ in the document creating the easement and upon receipt the document will be automatically added to the instrument list of these PIN(s). The system will also add the document remark – “New Easement Only” to this entry. Upon certification of the creating document, the easement will be reflected in the thumbnail description of all the PIN(s) and the document and remark will be removed from the instrument list of the easement only PIN(s).

Please refer to the Easement Module for details.

Claimant/Party From

Enter the name of the lien claimant or the applicant.

Statements

Select the appropriate statement below.

61 Schedule: Text.

Lawyer’s Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

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

The Schedule statement is to be used to enter or import prescribed forms under the Act. For example, a certificate of action must form part of the document and must be imported into Statement 61.

Party To

Enter the name of the party. For a certificate type document, this field is optional.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

A Lien and Certificate type document are required to be electronically signed on behalf of the applicant. See General Requirements, Signatories and General Authority Statement sections.

Restrictions

Annexation of Restrictive Covenants to Land - (Section 119)

An owner may apply to register restrictive covenants running with, or capable of being legally annexed to, land. If restrictive covenants are contained in a transfer, they will not be recorded on the parcel register; they must be registered separately before the transfer.

NOTE: The registration of a document entitled Restrictive Covenants does not in and of itself make restrictive covenants run with the land if, due to their nature or to the manner in which they are expressed, they would not otherwise do so.

Building Schemes

When a building scheme is being established (usually on a plan of subdivision), an application may be made to annex the restrictions to all land included in the building scheme. A notation of the restrictions will be recorded on the parcel register for each lot.

Restrictions on Transferring or Charging Land - (Section 118)

Section 118 of the *Land Titles Act* states that the registered owner of land or of a charge may impose restrictions on transferring the land or charge by applying to the land registrar. The land registrar will make an entry on the parcel register declaring that no transfer will be made, or charge created, unless specific conditions are met (e.g., a developer may enter a restriction on his land requiring the consent of the municipality).

The "no dealings" indicator will be applied to the parcel register, which means that the parcel register is "cautioned". The restriction prohibits any transfer or charge from being registered unless the stated requirements have been met. This restriction ceases when the property is conveyed by the registered owner and the consent has been obtained. If the restriction is to be continued, a new application must be registered each time the property is transferred unless the new transferee consents to the restriction continuing.

When a restriction has been registered that restricts a property from being transferred or charged and a subsequent charge is registered with the consent of the party specified in the restriction, the restriction continues to apply.

Application

The electronic registration system provides a group of instruments related to covenants/conditions/ restrictions. The system distinguishes between three different types of applications. After selecting "Restrictive Covenants", a drop-down list will appear. In order for the relevant statements to be displayed, the correct restriction document must be selected.

They are:

- Application to Annex Restrictive Covenants S.119
- Application Restrictions S.118—Land
- Application Restrictions S.118—Charge.

Instrument/Property

For an Application to Annex Restrictive Covenants S.119 and an Application Restrictions S.118—Land, enter the PIN of the property. Data from the Property file in POLARIS is imported into the document. If the application deals with more than one PIN, enter each PIN.

For an Application Restrictions S.118—Charge, enter the charge number. All the properties currently associated with the charge are imported into the document.

Applicant

For an Application to Annex Restrictive Covenants S.119 and an Application Restrictions S.118—Land, the names of the registered owners are imported from POLARIS.

For an Application Restrictions S.118—Charge, the names of the chargees are imported from POLARIS.

Restriction

Enter the restriction in the following statement field:

61 Schedule: Text.

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

Additional Statement

The following statement is optional for an Application Restrictions S.118—Charge only:

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

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

An Application to Annex Restrictions/Covenants/Conditions is required to be electronically signed on behalf of the applicant. See General Requirements, Signatories and General Authority Statement sections.

Discharge of Restriction (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. An Application General may be registered to modify the Restriction. If the Restriction is being withdrawn, use the Application to Delete Restrictions below. A law statement, as set below should be used or consent(s) may be indexed and referred to in Statement 92. The solicitor making the statement must be the party signing the document.

Discharge or Compliance of Restrictive Covenants

If a restrictive covenant under Section 119 has been registered as annexed to, or running with, land for a fixed period, the land registrar may:

- without application—delete the entry from the parcel register at any time after ten years from the expiration of the fixed period; or
- upon application by the registered owner to amend the parcel register—delete the entry of the restrictive covenants at any time after the expiry of the fixed period;
- if no expiry date is fixed, a covenant may be deleted at any time forty years from the date of its registration by the land registrar, with or without application.

The court may order the modification or discharge of a restrictive covenant if proof is made, satisfactory to the court, that the order will benefit the persons principally interested in the enforcement of the covenant (see the *Conveyancing and Law of Property Act*). This procedure is normally used when the original purpose of the covenant no longer applies due to a lapse of time or change in circumstance.

An Application to Delete Restrictions may be used whenever covenants have expired either according to the instrument creating them (in accordance with the *Land Titles Act*) or as a result of a court order.

The land registrar may, at his/her discretion, delete an entry of a restrictive covenant upon application by the registered owner, subject to the consent of every person entitled to the benefit of the restriction.

Evidence of that consent would consist of:

- use of the law statement set out below, affirming that all parties entitled to the benefit of the restriction have consented to the deletion of the restriction; or,
- the consent of the parties appearing to benefit from the restriction, filed as evidence with the Land Registry Office.

Application to Delete Restrictions

Instrument

Enter the registration number of the restrictive covenant. All the properties currently associated with the restrictive covenant are imported into the document. Select a pin(s) to which the application to delete restrictions is/are to be registered.

Applicant

Enter the name(s) of the applicants).

Statements

Select the statement below.

3737 The applicant applies to delete these restrictions by reason of text (enter reason for deletion and expiry date, if any)

Additional Statements

Restrictions under Section 118

Select the applicable statement below

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

92 This document is supported by evidence which is indexed at the Land Registry Office as index number number.

Covenants/Restrictions under Section 119

Select the applicable statement below

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

92 This document is supported by evidence which is indexed at the Land Registry Office as index number number.

The following statement is optional for either situation above:

61 Schedule: Text.

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

An Application to Delete Restrictions is required to be electronically signed on behalf of the applicant. See General Requirements, Signatories and General Authority Statement sections.

Notice of Compliance

Under Section 75 of the *Land Titles Act*, the parcel register may be amended to record compliance with restrictive covenants. An Application General is required. The following requirements must be met:

- the application and supporting evidence must reference the specific covenants that have been complied with, either by referring to the paragraph numbers of the covenants or by setting out the covenants in full
- the application must include a statement that the compliance is final in nature and does not require subsequent confirmation.

Modification of Restrictive Covenants

It is not unusual for a set of restrictive covenants to contain a paragraph reserving to the vendor a right to waive, alter or modify the restrictions in any manner, without the consent of any other owners who might be in a position to benefit from the restrictions. If a person attempts to waive, alter or modify restrictive covenants pursuant to such a paragraph, the instrument purporting to waive, alter or modify will be registered using a notice under Section 71 of the *Land Titles Act*. Such an instrument will not be accepted as the basis for amending the parcel register pursuant to Section 75 of the *Land Titles Act*.

Cautions

A caution is registered in order to protect the interests of a party claiming to have a proprietary interest in a property or charge. There are several types of cautions, including cautions that:

- prevent dealings with the land or charge(s) without the consent of the cautioner
- claim an interest under an agreement of purchase and sale
- give notice of outstanding taxes
- are registered by an estate trustee to prevent vesting
- fall under the *Bankruptcy and Insolvency Act* (see Bankruptcy).

When a caution that prevents dealings is registered, a "no dealings" indicator is displayed on the parcel register. The registered owner of the land or charge cannot deal with the land or charge without the consent of the cautioner.

A land registrar may also caution a property.

Cautions under the *Land Titles Act*

A caution that prevents dealings must be based on a proprietary interest in a property or in a charge (i.e., the right to call for or receive a transfer or charge, or a transfer of charge).

The most common cautionable interest is an Agreement of Purchase and Sale that will generally result in a transfer of land. The actual agreement does not need to form part of the caution but details of the agreement and statements from the cautioner must. The cautioner is required to state that he/she will produce the agreement for inspection within 14 days of a request from any person, and that he/she consents to the cancellation of the caution upon presentation of proof satisfactory to the land registrar that the agreement was not produced on request.

Cautions are taxable under the *Land Transfer Tax Act* if the nature of the interest is deemed to be a conveyance of land under the Act.

After a caution is registered, no dealing with the land or charge may be registered without the consent of the cautioner **except**:

- in the case of a Caution registered under Section 71 of the *Land Titles Act*
- under the authority of a judgment or court order
- under power of sale contained in a charge that is prior to the interest under which the cautioner claims, and the cautioner has been served with a notice of power of sale
- if it does not detrimentally affect the interest of the cautioner
- when the person registers it subject to continuance of the caution
- when a registered interest is acquired prior to the registration of the caution
- in the case of statutory liens, construction liens, tax arrears certificates, etc.

Cautions under Section 71 except those based upon an agreement of purchase and sale (Notice) must be approved by the Director of Titles. Cautions by Trustees in Bankruptcy are filed by way of a notice (see the Bankruptcy module).

Cautions under the *Local Roads Boards Act*

The *Local Roads Boards Act* also provides for the taxing authority to register a caution for outstanding taxes. This type of caution prevents dealings with the property. A caution under this statute is registered as a caution (see procedures below). Since these cautions do not

expire and the electronic caution requires Statement 3745 authorizing its deletion 60 days from registration, an override will be required in order to register.

Cautions under the Estates Administration Act

Under certain circumstances a caution may be registered under the *Estates Administration Act*. Refer to the Estates module for more information.

Requirements of Electronic Registration

In accordance with the *Land Registration Reform Act*—Electronic Registration Regulation, a caution with respect to an agreement of purchase and sale, an assignment or renewal of an agreement of purchase and sale, a notice of option, and a notice of assignment or renewal of an option, must include a complete copy of the agreement or document creating the option, or the following:

- the date of the agreement or of the document creating the option
- the date the sale is or was to be completed, or the date the option expires or expired
- a statement of the provisions, if any, that the agreement or document includes for renewal or extension
- a statement that the applicant will do the following:
 - produce the agreement or the document within 14 days of receiving a request; and,
 - consent to the cancellation of the notice on presentation of proof satisfactory to the land registrar that the applicant did not produce the agreement, the document creating the option, the assignment, or the renewal.

An assignment of an agreement or option is registered by way of a notice, which must contain a statement that lists the registration number of the assigned agreement or option. A caution based upon an agreement of purchase and sale cannot be renewed; however, if the agreement is extended another caution may be registered based upon the agreement extending the date of closing.

Caution

The electronic registration system distinguishes between the following types of cautions:

- caution - land
- caution - notice
- caution - charge
- caution of Agreement of Purchase and Sale
- renew - caution*
- withdrawal of caution*
- caution - land (*Estates Administration Act*)*.

*For procedures for cautions and renewals under the *Estates Administration Act*, refer to the Estates module.

Document types are listed separately because they require different statements or evidence to meet registration requirements. In order for the relevant statements to be displayed, the applicable caution must be selected.

Property

For Caution – Land, Caution – Agreement of Purchase and Sale and Caution - Notice, enter the PIN (s). 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. For details see General Requirements, Property section.

Owner

The Owner's name is imported into the document automatically from POLARIS.

Cautioner

Enter the name of the cautioner(s).

Statements

Certain statements are relevant only to certain caution documents.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

Caution - Agreement of Purchase and Sale

For a Caution - Agreement of Purchase and Sale, select the following statements and enter the required information:

- 3702 The applicant is entitled to register a caution against the land under an agreement of purchase and sale dated yyyymmdd. This sale is to be completed by yyyymmdd
- AND
- 3704 The applicant is prepared to produce the agreement for inspection within fourteen (14) days of request of any person and consents to the cancellation of the caution on presentation of proof satisfactory to the Land Registrar that the agreement was not produced on request
- 3744 The land registrar is authorized to delete this caution 60 days from the date of closing which is yyyymmdd

NOTE: the yyyymmdd entered in Statement 3744 is the date calculated 60 days from the date the sale is to be completed as set out in Statement 3702.

Caution – Land

For a Caution - Land, complete the following statements:

- 1401 The applicant is entitled to register a caution to prevent any dealing with the land without the applicant's consent. 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

Caution - Notice

For a Caution - Notice 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

The following statements are optional:

61 Schedule: Text.

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

3730 This document relates to registration number number(s)

Caution - Charge

For a Caution - Charge, enter the charge number. All the properties currently associated with the charge are imported into the document.

Cautioner

Enter the name of the cautioner.

For a Caution - Charge, complete the following statements:

1402 The applicant is entitled to register a caution to prevent any dealing with the charge without the applicant's consent. 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

The following statement is optional for a Caution—Charge:

3730 This document relates to registration number number(s)

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

A caution is required to be electronically signed on behalf of the cautioner. See General Requirements, Signatories and General Authority Statement sections.

Withdrawal of Caution

A Withdrawal of Caution is also sourced by an instrument (i.e., the original caution).

Instrument

Enter the registration number of the caution being withdrawn. All the PIN(s) affected by the instrument are imported into the document. If the caution is only being removed from one or some of the PINs, select the appropriate PIN(s).

Cautioner

Enter the name of the cautioner.

Statements

Select one of the statements below and enter any required information. The first is a law statement and can only be signed for completeness by a lawyer.

3521 I, name, am the solicitor for the Cautioner and authorize the Land Registrar to withdraw the above caution.

3523 I am the Cautioner and authorize the Land Registrar to withdraw the above caution

Additional Statements

The following statement is optional (Additional Statements):

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

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document

A Withdrawal of Caution is required to be electronically signed on behalf of the cautioner. See General Requirements, Signatories and General Authority Statement sections.

Bankruptcy

Trustee in Bankruptcy

The *Bankruptcy and Insolvency Act* is a federal statute which applies to real and personal property. A bankruptcy court appoints a licensed trustee to act as the trustee in bankruptcy of the property of a bankrupt. A trustee in bankruptcy may be registered as the owner of the land or of an interest therein. Proof satisfactory to the land registrar is required before an Application of Trustee in Bankruptcy may be accepted for registration. Any joint tenancy is severed by law when a party declares bankruptcy. A trustee holds the bankrupt's share as a tenant in common. If a notice of disclaimer is registered, the discharged bankrupt will continue to hold the land as tenants in common.

If a trustee in bankruptcy is being entered as the owner, the land registrar will not make the trustee's title subject to the rights of the bankrupt's spouse, even if the property is their principal residence.

Writs of Execution

The title of a purchaser from a trustee in bankruptcy is not made subject to writs of execution filed against the bankrupt prior to the date the receiving order was made or the assignment filed, since such claims are paid from the proceeds of the sale of the bankrupt's assets. The purchaser will not be affected by writs filed after that date because once a receiving order has been made, or an assignment filed, the bankrupt's property vests in the trustee.

When a bankrupt is discharged and subsequently acquires land, the title of a purchaser from the bankrupt is subject to writs of execution filed with the Enforcement Office before the discharge. However, if the bankrupt's solicitor states that he/she has actual knowledge that the discharge is not conditional with respect to the bankrupt's after-acquired property and that the judgment on which the execution is based is not a claim to which the bankrupt's assets remain liable after his/her discharge, the property is not made subject to these writs. A statement based on belief alone is not acceptable proof.

The *Bankruptcy and Insolvency Act* states that the discharge does not release the bankrupt from writs of execution that are for the following:

- any debt or liability arising out of fraud, embezzlement, misappropriation, while acting in a fiduciary capacity
- any fine or penalty imposed by the court or any debt arising out of a recognizance or bail bond
- any debt or liability for alimony
- any debt or liability under a support of maintenance or affiliation order or under an agreement for maintenance and support of a spouse or child living apart from the bankrupt
- any debt or liability for obtaining property by false pretences or fraudulent misrepresentation
- liability for dividend that a creditor would have been entitled to receive on any provable claim not disclosed to the trustee, unless the creditor has notice or knowledge of the bankruptcy and failed to take reasonable action to prove the claim.

A writ search on a Transfer by Trustee in Bankruptcy is required if the document is transferring an interest in addition to that of the bankrupt, such as a co-owner. The optional Retrieve Writs search is available and if a writ is found, the system will add the writ number, the debtors name and the statement "This property is subject to this writ" to the document.

The writ clearing statements will be available for the registrant to select if the property is not subject to the writ. The registrant may also enter the writ number and the debtors name and select the writ clearing statements if the property is not subject to the writ. In this situation, see the Transfer Module, Transfer by Trustee in Bankruptcy writ statements.

Notice of Disclaimer

The trustee in bankruptcy may register a notice of disclaimer in order to be divested of any interest appearing in the parcel register. The consent of the majority of the inspectors, or a statement from the trustee to that effect, is required. If consent is obtained it may be filed as evidence at the Land Registry Office. A notice of disclaimer acts as a discharge or release of any previously registered documents by or on behalf of the trustee with respect to the property referred to in the notice of disclaimer. A notice of disclaimer is registered using a notice under Section 71 of the *Land Titles Act*.

Substitute Trustee

The *Bankruptcy and Insolvency Act* provides for the appointment of a substitute trustee. The property passes from the former trustee to the new trustee without a conveyance, assignment or transfer. When the substitute trustee deals with land titles property, proof of appointment is required. This proof should take the form of a law statement explaining the substitution in the transfer or by importing the proof and explaining it.

Trustee statements

The trustee is only acting in capacity as representative and cannot delegate his or her authority to a third party. Age, spousal and power of attorney statements are not required or available for either "Application for Trustee in Bankruptcy" or Transfer by Trustee in Bankruptcy".

Application to Register Trustee in Bankruptcy - Owner

This type of application is used when the ownership of the property is changing due to an owner declaring bankruptcy. Once the application is registered, the trustee(s) name will appear in the Ownership field in POLARIS.

Application to Register Trustee in Bankruptcy - Instrument

This type of application is used when the owner of an interest in an instrument has declared bankruptcy.

Instrument/Property

For an Application to Register Trustee in Bankruptcy – Owner, enter the PIN (s). Once the PIN(s) 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. For details see General Requirements, Property section.

For an Application to Register Trustee in Bankruptcy - Instrument, enter the instrument number. All the properties currently associated with the instrument are imported into the document.

Bankrupt

The bankrupt's name is imported into the document from POLARIS. This field should reflect only the name of the bankrupt. If there is more than one owner, and therefore more than one name, change the data to include only the name of the bankrupt party.

Trustee

Enter the name of the trustee.

Statements

Application Trustee in Bankruptcy - Owner. Select the following statement:

- 1304 The applicant is entitled to be entered as owner as trustee in bankruptcy under the *Bankruptcy and Insolvency Act (Canada)*.

Application Trustee in Bankruptcy - Instrument. Select the following statement:

- 1305 The applicant is entitled to be entered as owner as trustee in bankruptcy under the *Bankruptcy and Insolvency Act (Canada)*.

Select one of the following statements:

- 1302 A Receiving Order (*import order*) appointing me, was made by a Court.
1303 The owner has assigned his/her property/interest for the general benefit of creditors to me by assignment in bankruptcy, under File No. number, that was filed with court name on yyyymmdd.
3541 A proposal was made by name which was not approved by the court name court and this has resulted in my appointment as a trustee in bankruptcy under File no. number, as of yyyymmdd.
92 This document is supported by evidence which is indexed at the Land Registry Office as index number number.
61 Schedule: Text.

NOTE: Statement 1303 - If a court file number has not been assigned, enter the wording of Statement 1303 without reference to the court file number in Statement 61. The court name to be entered may be identified as "Office of the Superintendent of Bankruptcy Canada".

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

An Application to Register a Trustee in Bankruptcy is required to be electronically signed on behalf of the trustee. See General Requirements, Signatories and General Authority Statement sections.

Caution under Bankruptcy and Insolvency Act

If a bankrupt owns property or a registered interest or estate under the Land Titles Act, and a copy of the receiving order or assignment has not been registered, a caution may be registered by the trustee to protect the interests of the creditors. Any subsequent registration with respect to the land or charge is subject to the caution until it is removed or cancelled.

The electronic registration system distinguishes between two types of cautions. They are:

- Caution - Land (Bankruptcy and Insolvency Act)
- Caution - Charge (Bankruptcy and Insolvency Act)

Instrument/Property

If the caution is to protect the creditor's interest in the property, select Property and enter the PIN (s). If the caution is to protect the creditor's interest in a charge, select Sourced Instruments and enter the charge number. The PIN(s) associated with the charge are imported from POLARIS.

Cautioner

Enter the name of the trustee in bankruptcy.

Statements

Select one of the following statements based on the bankrupt's interest in the property:

- 1450 The applicant is entitled as Trustee in Bankruptcy to register a caution against the land under the *Bankruptcy and Insolvency Act*.
- 1403 The applicant is entitled as Trustee in Bankruptcy to register a caution against the charge under the *Bankruptcy and Insolvency Act*.

In addition, select one of the statements below.

- 1302 A Receiving Order (import order) appointing me, was made by a Court.
- 1303 The owner has assigned his/her property/interest for the general benefit of creditors to me by assignment in bankruptcy, under File no. number, that was filed with *court name* on yyyymmdd.

- 3541 A proposal was made by name which was not approved by the court name court and this has resulted in my appointment as a trustee in bankruptcy under File no. number, as of yyyymmdd.
- 92 This document is supported by evidence which is indexed at the Land Registry Office as index number number.
- 61 Schedule: Text.

NOTE: Statement 1303 - If a court file number has not been assigned, enter the wording of Statement 1303 without reference to the court file number in Statement 61. The court name to be entered may be identified as "Office of the Superintendent of Bankruptcy Canada"

Lawyer's Statement

- 62 I (name) solicitor make the following law statement (insert details).**

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

Additional Statements

For a Caution - Charge (*Bankruptcy and Insolvency Act*), the following optional statement may be selected:

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

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document

A caution under the Bankruptcy and Insolvency Act is required to be electronically signed on behalf of the trustee. See General Requirements, Signatories and General Authority Statement sections.

Plan Document

The *Land Registration Reform Act*—Electronic Registration Regulation provides that a Plan Document must contain the following:

- the name of the surveyor who prepared the plan, along with the plan's date
- the consents required in order to register the plan.

Property

Once the PIN has been entered, data from the Property file in POLARIS is imported into the document. If the Plan Document affects more than one PIN, enter each PIN. See General Requirements, Property section.

Applicant

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

Statements

Select the following statement and enter the required information:

2701 The applicant applies to register a plan of subdivision of the land prepared by surveyor's name dated yyyymmdd.

Select the appropriate statement below and enter any required information.

2702 All the chargee(s) consents required have been obtained. (import consent)

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

61 Schedule: Text

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

A Plan Document must be registered even if there are no consents from chargees required. If consents are not required, select Statement 3627.

Select the following statement when applicable.

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

Writs of Execution

A search for writs of execution against the applicant(s) is performed automatically by the system when a Plan Document is registered. Writ clearing statements are available for selection where required.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, and select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document. A Plan Document is required to be electronically signed on behalf of the owner. See General Requirements, Signatories and General Authority Statement sections.

Electronic Plans (e-Plans)

With the release of Teraview on the Web, two new document types are available to deposit a Reference Plan and register a Subdivision Plan:

- Application – Deposit Plan for a reference plan
- Application – Register Plan for a subdivision plan

The *Land Registration Reform Act*—Electronic Registration Regulation and Ontario Regulation 43/96 set out the information that an Application – Deposit Plan and an Application – Register Plan must contain. A surveyor is required to sign each of these document types for completeness.

The deposit/registration of each plan type is a two-step process whereby a surveyor will prepare and register an Application Deposit Plan or an Application Register Plan for a Reference Plan and Subdivision Plan respectively. Once preapproved, a PDF version of the draft plan is imported into the each application by the surveyor and becomes the deposited/registered plan after Land Registry Office staff have processed the Application.

The electronic registration system recognizes a document type group dealing with a Plan Document and Applications to deposit/register reference plans and subdivision plans. Specific Application types are listed separately because they require additional or different statements or evidence to meet registration requirements. In order for the relevant statements to be displayed, the specific Application type must be selected.

Application - Deposit Plan

Property(s)

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, add each PIN.

NOTE: The description cannot be changed for this document type.

Applicant

Enter the name of the survey corporation or the individual surveyor's name

Authorization of Application

Every application registered electronically must contain authorization statements which are deemed to have been made by the party. Select the appropriate statement from below.

If Applicant is a corporation

If the applicant is a corporation, the following statement must be made:

10 I, name, have the authority to bind the corporation.

Documents Executed under Authority of a Power of Attorney Granted by a Corporation:

The applicable statement to the situation being dealt with must be selected. None are law statements.

For an attorney that is a company:

- 2919
1. Power of Attorney was registered as number number.
 2. To the best of the attorney's knowledge and belief, the power of attorney is still in full force and effect.
 3. The attorney is acting within the scope of the authority granted under the power of attorney.
 4. At the time this document was executed, name was the position of (attorney) company/bank, and had the authority to bind the attorney

For an attorney that is a named person who is not in a company:

- 2920
1. Power of Attorney was registered as number number.
 2. To the best of my knowledge and belief, the power of attorney is still in full force and effect and gives me, name, the authority to bind the donor.
 3. I am acting within the scope of the authority granted under the power of attorney.

For an attorney that is a named person or a named position in a company:

- 2921
1. Power of Attorney was registered as number.
 2. To the best of my knowledge and belief, the power of attorney is still in full force and effect and gives me the authority to bind the donor.
 3. I am acting within the scope of the authority granted under the power of attorney.
 4. At the time this document was executed, I, name, was the position of (attorney) company/bank.

If a document is not signed under the authority of a power of attorney, select the statement below.

2909 This document is not authorized under Power of Attorney by this party.

Partnership as an Applicant

When creating an application in which a partnership is an Applicant, each partner and the firm name must be set out individually as an Applicant.

The following statement must be selected by each partner.

43 I am a partner

The following statement must be selected for the firm name.

54 This is the firm name of the Partnership/Limited Partnership

Limited Partnership as an Applicant

When creating an application in which a limited partnership is an Applicant, each general partner and the firm name must be set out individually as an Applicant.

The following statement must be completed for each general partner.

48 I am a general partner.

The following statement is an optional statement and may be selected by one of the general partners if they are authorized under the *Limited Partnerships Act*. If this statement is not selected by any of the general partners, each of the limited partners must be identified, consent to and authorize the document in Statement 61.

45 This transaction is for a partnership purpose within the meaning of the *Limited Partnerships Act*.

In addition, the following statement applies to the firm name and must be selected.

54 This is the firm name of the Partnership/Limited Partnership.

Statements

There are specific statements required for the Application Deposit Plan. Select the statements below.

3605 I, (*insert name*), require this plan to be deposited under the Land Titles Act on the identified property(s).

3606 I certify that the survey was completed on (*insert date, yyyy/mm/dd*).

Select the applicable statement below and enter the required information.

3607 I certify that this survey and the attached plan (*import Plan*) are correct and in accordance with the Surveys Act, the Surveyors Act and the (*enter legislation*) and the regulations made under them.

3608 I certify that this survey and the attached plan (*import Plan*) comprising sheets 1 to (*enter total number of sheets*) are correct and in accordance with the Surveys Act, the Surveyors Act and the (*enter legislation*) and the regulations made under them.

Additional Statements

The following statements are optional.

3609 I certify that the structures shown on the attached plan are in existence.

3610 I certify that the structures shown on the attached plan comprising sheets 1 to (*enter total number of sheets*) are in existence.

If either Statement 3609 or 3610 are selected, statement 3611 must be selected.

3611 I certify that the dimensions shown on the attached plan have been verified by actual measurements.

3612 I certify that the attached plan is an accurate compilation based on data derived from (*indicate source of information*).

3613 I certify that the attached plan has been approved by the (Assistant) Examiner of Surveys, (*insert name of examiner*), in accordance with subsection (*insert subsection*) of the regulation.

61 Schedule: *Text*.

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

Select the statement below and enter the required information.

3614 The attached Plan was approved for deposit under preapproval number (*insert preapproval number*).

Authority

An additional Statement is required regarding the authority to create and register both Application types.

Select the statement below.

5051 I have the authority to sign and register the document on behalf of the Applicant(s).

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document. An Application – Deposit Plan can only be signed by a surveyor:

Application - Register Plan

Source Instrument

This Application is sourced by the Plan Document instrument. In the source field enter the Plan Document instrument number or WIP. The current owner of the PIN will be prepopulated as the Applicant.

Property

Once the sourced instrument has been entered, the current PIN(s) associated with the Plan Document is imported into the document from the Property file in POLARIS. See General Requirements – Reason for Change code.

Applicant

The name(s) of the owner(s) is imported into the document automatically from POLARIS.

In some cases it may be necessary to amend the data contained in the Applicant field, for example, if the name of the owner is not the same as the name on the parcel register, the appropriate document must be separately registered before the Application – Register Plan is registered (e.g., Application to Change Name).

NOTE: If the change of name has been previously registered in the same Land Registry Office, a separate application to change name is still required. The required evidence may be a recital of an application that has been previously registered, since the actual evidence or statements would have formed part of that document.

Authorization of Application

Every application registered electronically must contain authorization statements which are deemed to have been made by the party. Select the appropriate statement from below.

If Applicant is a corporation

If the applicant is a corporation, select the following statement and enter the required information:

10 I, name, have the authority to bind the corporation.

Documents Executed under Authority of a Power of Attorney Granted by a Corporation:

The applicable statement to the situation being dealt with must be selected. None are law statements.

For an attorney that is a company:

- 2919
1. Power of Attorney was registered as number number.
 2. To the best of the attorney's knowledge and belief, the power of attorney is still in full force and effect.
 3. The attorney is acting within the scope of the authority granted under the power of attorney.
 4. At the time this document was executed, name was the position of (attorney) company/bank, and had the authority to bind the attorney

For an attorney that is a named person who is not in a company:

- 2920
1. Power of Attorney was registered as number number.
 2. To the best of my knowledge and belief, the power of attorney is still in full force and effect and gives me, name, the authority to bind the donor.

3. I am acting within the scope of the authority granted under the power of attorney.

For an attorney that is a named person or a named position in a company:

- 2921
1. Power of Attorney was registered as number.
 2. To the best of my knowledge and belief, the power of attorney is still in full force and effect and gives me the authority to bind the donor.
 3. I am acting within the scope of the authority granted under the power of attorney.
 4. At the time this document was executed, I, name, was the position of (attorney) company/bank.

If a document is not signed under the authority of a power of attorney, select the statement below.

- 2909 This document is not authorized under Power of Attorney by this party.

Partnership as an Applicant

When creating an application in which a partnership is an Applicant, each partner and the firm name must be set out individually as an Applicant.

The following statement must be selected by each partner.

- 43 I am a partner

The following statement must be selected for the firm name.

- 54 This is the firm name of the Partnership/Limited Partnership

Limited Partnership as an Applicant

When creating an application in which a limited partnership is an Applicant, each general partner and the firm name must be set out individually as an Applicant.

The following statement must be completed for each general partner.

- 48 I am a general partner.

The following statement is an optional statement and may be selected by one of the general partners if they are authorized under the *Limited Partnerships Act*. If this statement is not selected by any of the general partners, each of the limited partners must be identified, consent to and authorize the document in Statement 61. If the limited partners are individuals, a statement of age and spousal status is required. These statements should also be made in Statement 61.

- 45 This transaction is for a partnership purpose within the meaning of the *Limited Partnerships Act*.

In addition, the following statement applies to the firm name and must be selected.

- 54 This is the firm name of the Partnership/Limited Partnership.

If Applicant is the Crown

If the document is authorized by the Crown (provincial or federal), select the following statement:

3734 This document is being authorized by a representative of the Crown

If Applicant is a Municipal Corporation

If the document is authorized by a Municipal Corporation, select one of the following statements and enter the required information:

3742 This document is being authorized by a Municipal Corporation name of authorizing person(s).

10 I, name, have the authority to bind the corporation.

If Applicant is a Religious Organization

If the Application is by Religious Organization, neither age and spousal nor *Family Law Act* statements are required. One of the following authorization statements must be selected.

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.

OR if the religious organization is incorporated, use Statement 10.

If Applicant is an estate

47 This dealing by the estate trustee is consistent with the terms of the will or is permitted by legislation

Statements

There are specific statements required for the Application Register Plan. Select the statements below and enter the required information. Zero is an acceptable entry in any of the blanks in statements 3617 and 3618.

3615 This is to certify that (set out lots, blocks, streets, etc. per owners certificate) have been laid out in accordance with my/our instructions.

3617 Total number of Lot(s) (enter total of new lots), if applicable; Total number of Block(s) (enter total of new blocks), if applicable.

3618 Total number of new Lots and Blocks (enter total number of new units).

3621 I, (enter name of Surveyor), certify that the survey was completed on (insert date, yyyy/mm/dd).

3625 The attached Plan was approved for registration under preapproval number (enter preapproval #).

3626 Planning Approval (Import Image)

Additional Statements

The statement below is optional unless the subdivision contains dedicated lands.

3616 The Streets (if any), Street Widening(s) (if any) and Lanes (if any) are dedicated to (enter full name of Municipality) as public highways.

Select the applicable statement below and enter the required information.

3619 I, (enter name of Surveyor), certify that this survey and the attached plan (import plan) are correct and in accordance with the Surveys Act, the Surveyors Act and the (enter legislation) and the regulations made under them.

3620 I, (enter name of Surveyor), certify that this survey and the attached plan (import plan) comprising sheets 1 to (enter total number of sheets) are correct and in accordance with the Surveys Act, the Surveyors Act and the (enter legislation) and the regulations made under them.

The statements below are optional. If either statement 3622 or 3623 is selected, statement 3624 is also required.

3622 I, (enter name of Surveyor), certify that the structures shown on the attached plan are in existence.

3623 I, (enter name of Surveyor), certify that the structures shown on the attached plan comprising sheets 1 to (enter total number of sheets) are in existence.

3624 I, (enter name of Surveyor), certify that the dimensions shown on the attached plan have been verified by actual measurements.

61 Schedule: Text.

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

Authority

An additional Statement is required regarding the authority to create and register both Application types.

Select the statement below.

5051 I have the authority to sign and register the document on behalf of the Applicant(s).

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document. An Application – Register Plan can only be signed by a surveyor:

Inhibiting Orders

A municipality has an interest in ensuring that a developer complies with all provisions of a Subdivision Agreement. A municipality wishing to protect its interests may apply to the land register to register an inhibiting order on the land. Generally, an Application for Inhibiting Order is made when a new Subdivision Plan is registered, usually to prevent the owner from any dealings with the Subdivision Plan until certain requirements of the municipality have been met. For example, the municipality may have requested that certain lands be conveyed for parks, schools, easements, etc., or for the dedication of streets and street widenings.

This application must be registered separately from the Plan Document.

Once the requirements specified in the Application for Inhibiting Order have been met, an Application to Delete the Inhibiting Order must be made.

Application for Inhibiting Order - Land

The electronic registration system distinguishes between two types of inhibiting order documents. They are:

- Application for Inhibiting Order - Land
- Application for Inhibiting Order - Charge.

The *Land Registration Reform Act* - Electronic Registration Regulation provides that an Application for Inhibiting Order must contain a statement that the inhibition will expire either:

- on a specified date; or,
- after certain documents have been registered; or,
- after a specified event has occurred.

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.

Applicant

Enter the name(s) of the applicant(s)/municipality.

Statements

Select the appropriate statement below and enter the required information.

The following is a law statement and can only be signed for completeness by a lawyer:

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

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

An Application for Inhibiting Order - Land is required to be electronically signed on behalf of the applicant. See General Requirements Signatories and General Authority Statement sections.

Application for Inhibiting Order - Charge

Instrument

Enter the registration number of the charge. All the properties currently associated with the charge are imported into the document.

Applicant

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

Statements

Select the appropriate statement below and enter the required information.
The following is a law statement and can only be signed for completeness by a lawyer:

2001 The applicant applies for an entry inhibiting any dealing with the charge until the following: enter condition(s). The party(ies) to the charge has agreed not to deal with the charge until the specified condition(s) has been complied with.

Additional Statements

The following statement is optional (Additional Statements):

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

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document,

An Application for Inhibiting Order - Charge is required to be electronically signed on behalf of the applicant. See General Requirements, Signatories and General Authority Statement sections.

Application to Delete Inhibiting Order

Once the requirements specified in the Application for Inhibiting Order have been met, an Application to Delete the Inhibiting Order must be registered.

Instrument

Enter the registration number of the inhibiting order. All the properties currently associated with the inhibiting order are imported into the document. Select the PIN (s) to which the Application to Delete Inhibiting Order is/are to be registered.

Applicant

The name(s) of the applicant(s)/Municipality in the Inhibiting Order is imported into the document.

Statements

Select the appropriate statement below and enter the required information.
The following is a law statement and can only be signed for completeness by a lawyer:

3727 All the conditions under the Inhibiting Order have been dealt with and the Inhibiting Order can now be deleted.

Select one of the two statements below and enter the required information. They are not law statements.

92 This document is supported by evidence which is indexed at the Land Registry Office as index number number.

61 Schedule: Text.

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

An Application to Delete Inhibiting Order is required to be electronically signed on behalf of the applicant. See General Requirements, Signatories and General Authority Statement sections.

Estates

Upon the death of an owner, the estate trustee must apply to have the title of any property registered in his/her name as estate trustee. A transmission application may be made by the estate trustee (or executor or administrator) with or without a will. However, if title or interest in an instrument was held in joint tenancy, on joint account with right of survivorship or as trustee, refer to the section entitled Survivorship Application.

Vesting—Real property

Real property not disposed of by the personal representative, or conveyed to, divided amongst or distributed to those beneficially entitled within three years of the death of the deceased, is vested in those persons so entitled under the will (or in cases of intestacy, to the assigns). Conveyance by the personal representative is not required, unless he/she has registered a caution under the *Estates Administration Act* in the appropriate Land Registry Office. If a caution has been registered, the real property mentioned therein does not vest in the proper parties for three years from the date the caution was registered. The caution may be renewed for a further three-year period. If the estate trustee fails to register a transmission application within three years of the date of death, a caution under the *Estates Administration Act* is required.

If the personal representative allows the property to vest in those beneficially entitled, the property may only be re-vested in the personal representative pursuant to a court order or with:

- the names of all beneficiaries, identifying any minors, or anyone legally incapable of acting on his/her own behalf
- the consent of all adult beneficiaries having more than one-half interest in the estate
- the consent of the official guardian or trustee of any minor or person legally incapable of acting on his/her own behalf.

Vesting can only be prevented by the personal representative if he/she is registered as owner as estate trustee within three years of the deceased's death. If the provisions of the will provide for an express power of sale (i.e., it directs the estate trustee to sell the testator's real property) or an implied one (i.e., to pay debts such as funeral expenses), and these still exist at the end of the three-year period, vesting will not occur.

If the property has vested in the beneficiaries under the *Estates Administration Act*, the beneficiaries may apply to the land registrar to be registered as owners of the property.

Vesting—Personal property

Personal property owned by the deceased, such as charges or leasehold interest, may not vest in those beneficially entitled three years subsequent to the death of the deceased.

Testacy—Real Property

Spousal entitlement

A surviving spouse may choose either the equalizing entitlement under the *Family Law Act* or the benefits to which he/she is entitled under the will (or if there is no will, the entitlement conferred by the *Succession Law Reform Act*). The election must be made within six months of the deceased's death and filed in the office of the Estate Registrar for Ontario. If no election is made, the spouse is deemed to have chosen the benefits under the will (or the entitlement conferred by the *Succession Law Reform Act*), unless a court order orders otherwise.

If the surviving spouse chooses the *Family Law Act* entitlement, any gifts to that spouse under the will are revoked unless the will expressly provides that the gifts are in addition to the entitlement. The will is then interpreted as if the surviving spouse had died before the deceased. In cases of intestacy, a spouse who chooses the *Family Law Act* entitlement disclaims all benefits under the *Succession Law Reform Act*.

If the deceased dies testate as to some property and intestate as to other property, the surviving spouse is free to choose between the benefits under both the will and the *Succession Law Reform Act*, or the *Family Law Act* entitlement only.

The estate may not be distributed among the remaining beneficiaries until six months after the death, unless the surviving spouse consents to the contrary in writing or a court order is obtained authorizing the distribution. If an application is pending under the *Family Law Act* the same conditions apply. Note that the prohibition against distribution of the estate does not preclude the sale of property; it simply means that the proceeds of the sale may not be allotted. The land registrar must be satisfied that the sale is for the payment of debts. If it is for the purpose of distribution of the proceeds, the appropriate statement must be included in the conveyance.

Within Six Months

A transfer of real property to any person beneficially entitled within six months of the date of death must be accompanied by one of the following:

- a statement by the estate trustee that the deceased had no surviving spouse*
- a court order authorizing the transfer
- the consent of the surviving spouse*.

*The consent of the beneficiaries normally required under the will or the *Succession Law Reform Act* is required.

After Six Months

A transfer of real property to any person beneficially entitled six months after the date of death must be accompanied by one of the following:

- a statement by the estate trustee that the deceased had no surviving spouse*
- a court order authorizing the transfer
- a statement by the estate trustee that no election has been made and no application under Part I of the *Family Law Act* has been received*
- the consent of the surviving spouse if an application is pending under Part I of the *Family Law Act**
- a statement by the estate trustee that an election has been filed with the surrogate clerk for Ontario, to include what the election is, and that no application under Part I of the *Family Law Act* is pending.*

*The consent of the beneficiaries normally required under the will or the *Succession Law Reform Act* is required.

In the last instance, however, if the election by the surviving spouse is in favour of the *Family Law Act* entitlement, his/her consent is not required because he/she has ceased to be a beneficiary of the will or of the *Succession Law Reform Act*. On the other hand, if the will provides that the *Family Law Act* entitlement is in addition to the benefits of the will, then the spouse remains a beneficiary under the will and his/her consent is required. If no such provision has been included in the will, a statement to that effect must be included.

Dower

As a result of the *Family Law Reform Act*, the question of dower is limited to estates in which the owner died prior to March 31, 1978. A husband cannot in his will defeat his wife's right to dower. At best he can put her in a position where she must choose between the benefits provided in the will and those of the dower. He would do this by expressly stating that the benefits of the will are to be accepted by his wife in lieu of any right of dower, or he might order the will to be constructed in such a way that there is an implied intention that she be put to an election.

If the disposition of the property in the will is inconsistent with the widow's right to dower (e.g., the land is to be divided equally between wife and child(ren), or the wife is entitled to a life interest), then an election is required. The election, if required, may be made before, on or after March 31, 1978, and there are no formalities required to signify her election.

If the wife has not been put to an election, she is entitled to both her dower rights and the benefits provided for her under the will.

Devolution of estate trustee

In cases where there are several personal representatives and one or more of them dies, the Trustee Act provides that the power conferred upon them shall vest in the surviving personal representative(s), unless there is a provision to the contrary in the will that appointed them estate trustees.

If the deceased estate trustee has proved the will of the deceased registered owner, then the estate trustee of the original testator devolves to the estate trustee of the deceased estate trustee, if their will has been proved. The transmission of an estate trustee in this manner may descend indefinitely so long as the chain is not broken by the appointment of an estate trustee without a will. If the testator's estate trustee dies without having an estate trustee to prove his/her will, the beneficiaries under the will of the registered owner may nominate any person to apply to the court for a Certificate of Appointment of Succeeding Estate Trustee with a Will.

If an estate trustee has been appointed to administer an estate and dies leaving part of the estate unadministered, a Certificate of Appointment of Succeeding Estate Trustee with a Will is required.

Waiver of Certificate of Appointment of Estate Trustee with a Will

If the total value of the deceased registered owner's estate is less than \$50,000, the requirement for a Certificate of Appointment of Estate Trustee with a Will may be waived by the land registrar. In situations where property that has been converted to Land Titles through the administrative process is being dealt with for the first time, this requirement may also be waived (see "First Dealings" below)

When a transmission application is submitted without a Certificate of Appointment of Estate Trustee with a Will, the following are required:

1. Indexing of the will or a notarial copy thereof or completion of a law statement (3635 or 3636 as the case may be).
2. Indexing of a certificate of death, a notarial or certified copy, or a statement of death (statement 601).

A statement that:

- 3 the value of the estate does not exceed \$50,000 (Statement 3515); and,

4. a covenant to indemnify the Land Titles Assurance Fund from those beneficially entitled under the will imported into statement 3640.

The above also applies to wills probated in other jurisdictions. The land registrar is therefore free to accept foreign probates without requiring resealing. However, in cases of intestacy, an application for a Certificate of Appointment of Estate Trustee without a Will appointed in another jurisdiction is not acceptable unless the estate trustee has been granted a certificate by an Ontario court.

Apart from the above, the land registrar will not accept a transmission application without the prescribed statements or evidence of Certificate of Appointment of Estate Trustee with a Will, unless the exemption is first approved by the Director of Titles.

If property has vested in the beneficiaries under the provisions of the *Estates Administration Act*, the application will be accepted without the Certificate of Appointment of Estate Trustee with a Will, regardless of the value of the estate. A Covenant to Indemnify the Land Titles Assurance Fund is required.

First Dealings After Property Converted to Land Titles:

The following procedures may be used for transmission applications for the first dealing after the property has been converted to the Land Titles System where no application for a certificate of appointment of estate trustee has been applied for. Land Registrars are authorized to exempt the requirement of a certificate of appointment of estate trustee and the following statements must be selected, the first one is a law statement.

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*).

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

Select the applicable statement below. They are both law statements.

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.

NOTE: Registrants should confirm with the Land Registry Office that the transmission application is in fact the first dealing with the property since conversion before the registration of this document.

In all cases a covenant to indemnify the Land Titles Assurance Fund must be imported into Statement 3640.

Wills

Holograph Wills

When accompanied by a waiver of a Certificate of Appointment of Estate Trustee with a Will, holograph wills (i.e., handwritten, without formality or witnesses) are considered valid wills if the testator died on or after March 31, 1978.

International Wills

International wills are recognized under Ontario law if made and executed pursuant to the *Succession Law Reform Act*, regardless of where the will was made or the nationality of the person making it. The effective date for the recognition of international wills is September 15, 1978.

Foreign Wills

Foreign wills are acceptable provided that they meet Ontario law requirements:

- for deaths prior to March 31, 1978, the signatures of two witnesses are required, to be made in the presence of each other and the testator
- for deaths on or after March 31, 1978, the will must conform to the *Succession Law Reform Act* (evidence to be provided if there is no Certificate of Appointment of Estate Trustee with a Will—see Waiver of Certificate of Appointment of Estate Trustee with a Will, above).

French Wills

Land Registry Offices designated as bilingual offices will accept a French-language will without an English translation provided it meets all other registration requirements.

In Land Registry Offices that are not designated as a bilingual office, the registrant must provide the following:

- the original will or certificate of appointment of estate trustee, or a notarial copy thereof
- the English translation of the French will
- a supporting statement by the translator of the will affirming that he/she understands both languages and has carefully compared the translation with the original and the translation is in all respects a true and correct translation.

Debts of an estate

A transmission application must address the issue of the deceased's debts. For title to be considered debt-free, a statement is required declaring that the creditors of the deceased have been notified and that all debts of the deceased have been paid. Debts must be dealt with on the subsequent transfer and, if at that time statement 3508 is selected, an instrument remark shall be made on the transfer "S/T the debts of (*name*), if any". For further information, see Transfer by personal representative, below.

If a beneficiary of a will has acquired from the personal representative title subject to debts, a purchaser from that beneficiary will also take title subject to debts, unless evidence accompanies the conveyance stating that the creditors of the deceased have been notified and that all debts have been paid. Title that has been marked "subject to debts" may be amended upon application by the registered owner 40 years subsequent to the deceased's death. In order for the application to be accepted, writs of execution against the deceased will be searched to ensure that there are no outstanding debts.

Transfer by personal representative

Once the property is registered in the personal representative's name, his/her power to transfer the real property of the deceased, and whether or not title to the property will be free from debt, is considered. A personal representative may have certain powers of sale and conveyance granted to him/her under a will.

Express Power

Express power under a will gives the personal representative power to sell the real property at such times and in such manner as he/she sees fit. The personal representative can sell without the consent of the beneficiaries, and a purchaser may, in good faith and for value, take title free from debt.

Implied Power

If a will directs the personal representative to pay debts (e.g., for funeral expenses) but does not express provision for the raising of the money, the personal representative has "implied power". If evidence accompanies the conveyance stating that the sale is bona fide and for value, the purchaser may take title free from debt; the consent of the beneficiaries is not required.

If the transmission application or transfer states that the creditors have been notified and that all debts of the deceased have been paid, none of the above evidence is required. If the will does not contain a power of sale provision, the personal representative may resort to the powers of sale permitted under the Estates Administration Act (see Intestacy, below), provided they do not conflict with the provisions of the will.

Executions

A transfer by a personal representative to those beneficially entitled or to a third party, is subject to executions against the deceased registered owner. A record of executions against the deceased registered owner will also be made against the title of those beneficially entitled if they are entered as owners upon the property vesting in them under the Estates Administration Act.

Execution searches are also made against a beneficiary under the will who releases his/her interest in the property being conveyed by the personal representative, unless he/she disclaims all rights or interests in the estate under the will and/or the Succession Law Reform Act.

Consenting beneficiaries

When beneficiaries consent to a transfer by personal representative by a solicitor's statement, the transfer must set out the names of those consenting beneficiaries.

When beneficiaries consents are indexed, a statement regarding spousal status and age is required for each of them excluding those who are transferees in the conveyance and those for whom approval is granted by the public trustee.

Testacy—Personal Property

Personal property is not handled in the same way as real property. Take note of the following:

- personal property does not vest in those beneficially entitled three years after the death of the deceased
- dower is not applicable to personal property
- the rules related to the waiver of a Certificate of Appointment of Estate Trustee with a Will may be used when dealing with a transmission application of personal property (i.e., charges or leasehold interests owned by the deceased).

Charges

If the personal representative wishes to transfer the charge, he/she must first be registered as owner under a transmission application. Once registered as owner of the charge, the personal representative has the power to do the following:

- transfer the charge (other than to those beneficially entitled) without the consent of the beneficiaries

- transfer the charge to the beneficiaries *in specie*, provided all the beneficiaries concur.

Leaseholds

The personal representative of a deceased owner of a leasehold parcel may apply to be registered as owner through a transmission application. Once entered as owner, the personal representative is free to exercise the same powers described above under Charges.

Transfer to beneficiaries in specie

For a personal representative to transfer a charge or a leasehold parcel to the beneficiaries *in specie*, the consent of all the beneficiaries is required, along with that of the Children's Lawyer on behalf of any beneficiary who is a minor or who has been deemed legally incapable. A statement regarding spousal status is required for each beneficiary, excluding the following:

- a beneficiary who is a transferee
- a beneficiary on whose behalf concurrence is granted by the public trustee.

The title of beneficiaries is subject to debts unless the transmission application or transfer is supported by evidence stating that the creditors of the deceased have been notified and that all debts have been paid.

Transfer to persons other than those beneficially entitled

A transfer of a charge or a leasehold parcel to persons other than those beneficially entitled will be marked subject to debts unless the transmission application or transfer states that the creditors of the deceased have been notified and that all debts have been paid, or that the transfer is bona fide and for value.

Distribution in specie

Pursuant to the *Estates Administration Act*, the personal representative may distribute or divide the real property *in specie* to persons beneficially entitled. This may be done with or without a court order.

Without a Court Order

A personal representative has the power to convey real property to those beneficially entitled, subject to the consent of the beneficiaries or to the public trustee on behalf of beneficiaries who are minors or who have been deemed legally incapable. Property distributed in specie without a court order remains subject to debts of the estate unless evidence exists that the creditors of the deceased have been notified and that all debts have been paid.

If the beneficiaries have taken title subject to debts, and subsequently conveyed the property to a purchaser within three years of the deceased's death, the purchaser is subject to those debts for the remainder of the three-year period. However, if legal proceedings have enforced a claim and a caution has been registered against the land during that three-year period, the above does not apply.

If the beneficiaries convey the property to a bona fide purchaser for value after the three-year period, and no caution has been registered, the debts will be deleted upon evidence that the conveyance was made subsequent to the three-year period and that the purchaser has acquired the property in good faith, for value and without any notice of any debts at the time of the purchase.

A statement regarding spousal status is required for each beneficiary, excluding the following:

- a beneficiary who is a transferee in the conveyance
- a beneficiary whose approval is granted by the public trustee.

With a Court Order

If the real property is divided *in specie* by the personal representative under a court order, the property remains subject to debts of the estate unless the court order provides otherwise or unless evidence exists that the creditors of the deceased have been notified and that all debts have been paid. If the property is subject to debts and is conveyed by the persons beneficially entitled to a bona fide purchaser for value, he/she will acquire the land free from debt. Evidence must accompany the transfer stating that the sale is bona fide and for value and that the transferor, who was beneficially entitled to the land, received it from the personal representative of the deceased by leave of the court.

If evidence from the estate trustee accompanies the transmission application or transfer affirming that the creditors of the deceased have been notified and that all debts have been paid, none of the evidence regarding debts is required.

Devisee/Heir-at-law

When property vests in a beneficiary under a will, or for intestacy under the *Estates Administration Act*, the beneficiary takes title subject to debts unless evidence exists that the creditors of the deceased have been notified and that all debts have been paid.

If property vests in a beneficiary under the *Estates Administration Act* and he/she is registered as owner subject to debts, a sale by that beneficiary to a purchaser in good faith and for value will be free from debt. Evidence must accompany the transfer stating the following:

- the property has vested in the transferor beneficiary under the *Estates Administration Act*
- the sale is bona fide and for value
- the purchaser had no notice of any debts at the time of the purchase.

Complex transmission applications

Situations frequently arise in which beneficiary interests in property pass from generation to generation but no actual change is made to the parcel register. For example, Tom Smith, the great-great-grandchild of John Smith, who died in 1909, may be entitled to property that is still registered in the name of John Smith. The *Land Titles Act* will allow the following:

- the person presently entitled to the property to apply to be registered as owner, provided legal entitlement is by reason of the property vesting in him/her under the *Estates Administration Act*
- the personal representative of the last deceased beneficiary to apply to be registered as owner.

An application of this type must be supported by all relevant evidence (e.g., Certificate of Appointment of Estate Trustee With a Will, death certificates, beneficiaries' consent). If the client is in doubt as to the context of a complex transmission application, he/she should contact the Land Registry office in which the lands are registered.

Executions

Execution searches are required against each person who died while an owner of the property, excluding the last deceased beneficiary if the transmission application has been

made by their personal representative. The only executions of concern are those filed in the name of the deceased preceding the date of death or within three years of the death. In addition, execution searches are conducted against any beneficiary under a will who has released his/her interest in the property, unless the release disclaims all rights or interests in the estate under the will and/or the *Succession Law Reform Act*. In this case, only writs of execution filed prior to the date of release apply.

If the value of the execution is \$50,000 or less, a statement by the applicant stating that the prior deceased owner is not the same person named in an execution will suffice. If the value is \$50,000 or more, a statement by the judgment creditor or his/her solicitor is required, indicating that the prior deceased owner is not the same person as the judgment debtor named in the writ.

Debts

Debts are considered against the estate of every person who died while a registered owner of the property in the last 40 years. Evidence is required for each person who was alive within the 40-year period preceding the date of the application, stating that the creditors of the deceased have been notified and that all debts have been paid.

Waiver of Certificate of Appointment of Estate Trustee

For complex transmission applications, the Certificate of Appointment of Estate Trustee with a Will may be waived with respect to any prior estate if the present value of the land in question is less than \$50,000. Supporting evidence is the same as described above, under Waiver of Certificate of Appointment of Estate Trustee with a Will, with the exception of item 3a). The applicant must state that the value of the land (rather than the estate) does not exceed \$50,000.

If the applicant is unable to provide all the evidence required to have the property registered in his/her name, an application to the court to amend the parcel register is required.

Intestacy—Real Property

If property has vested in the beneficiaries under the provisions of the *Estates Administration Act*, the application will be accepted without the Certificate of Appointment of Estate Trustee Without a Will, regardless of the value of the estate.

Spousal entitlement

See Spousal entitlement for Testacy.

Dower

Dower is limited to estates in which death occurred prior to March 31, 1978. In cases of intestacy, the widow's right to dower is expressly preserved under the *Devolution of Estates Act*. The widow loses her dower only if she voluntarily chooses to take her interest in her husband's undisposed of real property in lieu of dower. This election must be made in writing and be attested to by at least one witness. If the widow chooses not to make this election, she is entitled to her dower rights and a share of the undisposed property vested in her husband. Should the widow be incapable of making an election because her dower rights have ceased to exist (because of adultery or the death of the widow), then she has no interest in her husband's real property and her rights will be determined as if she had failed to make an election.

Devolution of estate trustee

When an estate trustee who has been appointed under an intestacy dies leaving part of the assets of the estate unadministered, an estate trustee based on a Certificate of Appointment

of Succeeding Estate Trustee without a Will must be appointed. See Devolution of estate trustee under Testacy.

Foreign certificate of appointment estate trustee

A foreign Certificate of Appointment of Estate Trustee Without a Will is not acceptable, regardless of the value of the estate. The estate trustee will not be registered as owner unless an ancillary Certificate of Appointment of Estate Trustee without a Will is acquired or the certificate is resealed by the Ontario Surrogate Court.

Debts of an estate

See Debts of an estate under Testacy.

Transfer by personal representative

Once the property is registered in the personal representative's name, his/her power to transfer the real property of the deceased, and whether or not title to the property will be free from debt, is considered. The powers of sale and conveyance under the Estates Administration Act are the only powers available to an estate trustee appointed without a will.

The power to sell the real property of the deceased for the purpose of paying debts does not require the consent of the beneficiaries and a purchaser may, in good faith and for value, take title free and clear of debts. Evidence must accompany the transfer stating that the sale is bona fide and for value, and that it is necessary for the purpose of paying debts.

The power to sell for the purpose of distributing the proceeds to the persons beneficially entitled requires the concurrence of a majority of those beneficially entitled, to represent together not less than one-half of the interest of the estate. Approval of the public guardian is required for infants with an interest in the real property, even if the adults who approved the sale constitute a majority as defined above. The public trustee is also authorized to approve such a sale on the behalf of mentally incompetent persons, persons whose concurrence cannot be obtained because their place of residence is unknown, and those whose concurrence the public trustee considers to be inconvenient (pursuant to the Estates Administration Act).

A transfer by the personal representative for a sale of this type must be accompanied by evidence by the

Personal representative stating the following:

- that the sale is for the purpose of distributing the proceeds amongst the beneficiaries
- that the beneficiaries whose approvals are attached to the transfer constitute a majority of those beneficially entitled and that they represent together not less than one-half of all the interests in the estate
- that no infants are beneficially interested in the property (if they are, they are to be named)
- that the sale is bona fide and for value (if this statement is not provided, the title of the purchaser is subject to the debts of the deceased).

Executions

See Executions under Testacy.

Intestacy—Personal Property

The requirements for personal property are the same as for testacy. See the Testacy—Personal Property section.

Power of Attorney

An estate trustee of a deceased estate may appoint an attorney to deal with the estate, provided the following statements are made:

- Name of estate trustee as estate trustee with or without a will of the estate of name of deceased has exercised his/her power to sell the property to name of transferee and has delegated to me attorney's name only the right to sign on his/her behalf as estate trustee the necessary transfers and statements/affidavits.
- I am merely completing the transaction and I am not exercising any discretionary powers on the estate trustee's behalf.

Requirements for Electronic Registration

The *Land Registration Reform Act*—Electronic Registration Regulation requires that specific death of owner documents submitted for electronic registration contain certain information.

Transmission by Personal Representative

A transmission application by an estate trustee, executor or administrator must contain the following:

- name and date of death of owner
- one of the following:
 - certificate of appointment, or order confirming appointment, of the applicant as estate trustee, executor or administrator, or
 - date and court file number of the certificate or order, or
 - proof satisfactory to the Director of Titles that the value of the estate is less than \$50,000 where no application was made for Certificate of Appointment of Estate Trustee
- both of the following:
 - a statement that the land affected by the application is not subject to debts of the deceased, if applicable
 - a statement that the applicant as estate trustee, executor or administrator is entitled by law to be registered as owner.

Transmission by Devisee/Heir-at-law

A transmission application by a devisee or heir-at-law must contain the following:

- name and proof of death of owner satisfactory to the land registrar
- a statement by the applicant that the land affected by the application is not subject to spousal rights under the *Family Law Act* with respect to the deceased, if applicable
- a statement that the land affected by the application is not subject to debts of the deceased, if applicable
- a statement that the application has vested in the applicant.
- a statement that the applicant is entitled to be owner as Devisee or Heir-at-Law

Transfer by Personal Representative

A transfer by an estate trustee, executor or administrator must contain the following:

- a statement that the transferor is entitled to transfer the land affected by the document under the terms of the will, if any, the *Estates Administration Act* and the *Succession Law Reform Act* OR
- a statement the transfer is authorized by a court under a file which is still in full force and effect
- a statement by the transferor that the land affected by the application is not subject to spousal rights under the *Family Law Act* with respect to the deceased, if applicable
- a statement that the transferor has obtained the consent of all required parties or that no consents are required
- a statement that the land affected by the transfer is not subject to debts of the deceased, if applicable.

Transfer by Devisee/Heir-at-law

A transfer by a devisee or heir-at-law must contain the following:

- a statement that the transferee is not aware of any specific debts of the deceased, if applicable.

Death of Owner Applications

The electronic registration system distinguishes between several types of Death of Owner applications. After selecting "Death of Owner" from the Create New Instrument screen, a drop-down menu will appear. In order for the relevant statements to be displayed, the correct document type must be selected.

Property/Instrument

For a Death of Owner application sourced from property, enter the PIN (s). Data from the Property file in POLARIS is imported into the document.

For a Death of Owner application sourced from an instrument, enter the instrument number. Also enter the last assignment of the instrument, if any. The last registered owner(s) of the instrument is imported into the document from POLARIS.

Deceased

The name(s) of the owner(s) is imported into the document automatically from POLARIS. If the document is only dealing with one party's interest, identify the deceased's name and remove any other owners' names.

Applicant

Enter the name of the estate trustee/devisee/heir at law.

Transmission by Personal Representative - Land

Statements

There are specific statements required for the various Death of Owner applications. Select the statement below.

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

Select the applicable statement below and enter the required information. The first is a law statement and can only be signed for completeness by a lawyer:

601 **Date of death was yyyymmdd.**

610 Documentation regarding the death of *(name)*, which is sufficient to deal with this transaction, is attached to registration number *number*.

611 Date of death was yyyymmdd and the evidence of death is indexed at the Land Registry Office as index No. *number*.

Select the applicable statement below and enter any required information. They are all law statements.

3512 **The applicant is appointed as Estate Trustee with a will by name of court Court, under file no. number, dated yyyymmdd and is still in full force and effect.**

3513 **The applicant is appointed as Estate Trustee without a will by name of court Court, under file no. number, dated yyyymmdd and is still in full force and effect.**

3515 **No application was made for a certificate of appointment of an Estate Trustee, as the total value of the estate of the deceased owner is not more than \$50,000.**

First Dealing

NOTE: If the value of the estate is greater than \$50,000 but the Transfer is the first dealing with the property after the Ministry conversion from Registry to Land Titles, you may use the statements set out below. See First Dealing After Property Converted to Land Titles.

Select the statements below and enter any required information. They first one is a law statement.

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)*.**

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

Select the applicable statement below. They are both law statements.

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.**

Select the applicable statement below and enter any required information. The first two are law statements.

3508 **The property is subject to debts of the deceased.**

3509 **The debts of the deceased are paid in full.**

61 Schedule: Text

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

92 This document is supported by evidence which is indexed at the Land Registry Office as index number number.

Combined Survivorship/Transmission

The names of all the owners are imported into the deceased field and can be amended if required. Add the date of death for each deceased party in statement 601.

Use Statement 61 to indicate that the property was held as joint tenants by the deceased and that, by right of survivorship, the deceased was entitled to be registered as owner of the land. Spousal status of the first deceased is required.

61 Schedule: Text.

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

For combined survivorship/transmission a search of executions will need to be completed against the first deceased. If a writ is found, the writ information will need to be entered on the writs tab on the "Deceased" branch. Complete writ statements 3631 and/or 3632 below as applicable. Both are law statements and can only be signed for completeness by a lawyer. Enter the information required.

If the search for executions by the registrant produces a Clear Certificate, the following writ statement must be selected and completed. The solicitor signing the document will include their name in the statement to confirm that the appropriate parties' names were searched.

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 (name) confirm the appropriate party(ies) were searched.

If the search for executions by the registrant produces an Execution Certificate and identifies writs against the name searched, the following writ statement is to be selected and completed. The solicitor signing the document will include their name in the statement to confirm that the appropriate parties' names 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 (name) confirm the appropriate party(ies) were searched.

Transmission by Personal Representative - Charge

Select the statement below.

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

Select the applicable statement below and enter the required information. The first is a law statement and can only be signed for completeness by a lawyer:

- 601** Date of death was yyyymmdd.
- 610** Documentation regarding the death of (name), which is sufficient to deal with this transaction, is attached to registration number number
- 611** Date of death was yyyymmdd and the evidence of death is indexed at the Land Registry Office as index No. number.

Select the applicable statement below and enter any required information. The first three are law statements.

- 3512** The applicant is appointed as Estate Trustee with a will by name of court Court, under file no. number, dated yyyymmdd and is still in full force and effect.
- 3513** The applicant is appointed as Estate Trustee without a will by name of court Court, under file no. number, dated yyyymmdd and is still in full force and effect
- 3515** No application was made for a certificate of appointment of an Estate Trustee as the total value of the estate of the deceased owner is not more than \$50,000.
- 61** Schedule: Text.

Lawyer's Statement

- 62** I (name) solicitor make the following law statement (insert details).

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

- 92** This document is supported by evidence which is indexed at the Land Registry Office as index number number.

The following statement is optional (Additional Statements):

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

Transmission by Devisee/Heir-at-law - Land

Select the two statements below.

612 The applicant is entitled to be the owner, as 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*.**

Select the applicable statement below and enter the required information. The first is a law statement and can only be signed for completeness by a lawyer:

601 **Date of death was yyyymmdd.**

610 Documentation regarding the death of (name), which is sufficient to deal with this transaction, is attached to registration number number.

611 Date of death was yyyymmdd and the evidence of death is indexed at the Land Registry Office as index No. number.

Select the applicable statement below and enter any required information. The first two are law statements.

3508 **The property is subject to debts of the deceased.**

3509 **The debts of the deceased are paid in full.**

61 Schedule: Text.

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

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

92 This document is supported by evidence which is indexed at the Land Registry Office as index number number.

Select the applicable statement of the two below and enter any required information. The first is a law statement.

905 **Title to the land is not subject to spousal rights under the *Family Law Act*.**

906 Title to the land is subject to spousal rights of the spouse of name.

NOTE: A covenant to indemnify the Land Titles Assurance Fund is required to be imported into Statement 3640 if a Certificate of Appointment or Probate has not been obtained. If a Certificate of Appointment or a Probate has been obtained, include the wording of statement 3512 or 3513 as a law statement in statement 62 or index the Certificate or Probate and complete statement 92.

A search of executions will need to be completed against any beneficiaries consenting or releasing his/her interest. If a writ is found, the writ information will need to be entered on the

writs tab on the “Deceased” branch. Complete writ statement 3631 or 3632 below as applicable. Both are law statements and can only be signed for completeness by a lawyer. Enter the information required.

If the search for executions by the registrant produces a Clear Certificate, the following writ statement must be selected and completed. The solicitor signing the document will include their name in the statement to confirm that the appropriate parties’ names were searched.

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 (name) confirm the appropriate party(ies) were searched.

If the search for executions by the registrant produces an Execution Certificate and identifies writs against the name searched, the following writ statement is to be selected and completed. The solicitor signing the document will include their name in the statement to confirm that the appropriate parties’ names 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 (name) confirm the appropriate party(ies) were searched.

In addition, the writ number(s) and the name(s) searched will need to be entered on the writ tab and the appropriate writ statement selected from the list.

Cautions under Estates Administration Act

The following statement, which is the prescribed text from the *Estates Administration Act* is required:

1451 The applicant(s), estate trustee(s) of the estate of name of deceased, who died on or about yyyymmdd, certify that it may be necessary for him/her (them) under his/her (their) powers and in fulfillment of the duty of estate trustee to sell the real property of the said deceased, as hereinafter described, or part thereof. And of this all persons concerned are hereby required to take notice.

Select the applicable statement below and enter any required information. The first two are law statements.

3512 The applicant is appointed as Estate Trustee with a will by name of court Court, under file no. number, dated yyyymmdd and is still in full force and effect

3513 The applicant is appointed as Estate Trustee without a will by name of court Court, under file no. number, dated yyyymmdd and is still in full force and effect.

92 This document is supported by evidence which is indexed at the Land Registry Office as index number number

Renewal of Caution- Estates Administration Act

A Renewal of Caution applies only to a caution under the *Estates Administration Acts* and is sourced by an instrument (i.e., the original caution)

Instrument

Enter the registration number of the caution being renewed. All the PIN (s) affected by the caution are imported into the document.

Cautioner

Enter the name of the cautioner.

Statements

Select the following statement:

3601 The interest claimed in the caution continues to exist and is within three years of the registration of the said caution

Additional Statements

The following statement is optional (Additional Statements):

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

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

A Renewal of Caution is required to be electronically signed on behalf of the cautioner. See General Requirements Signatories and General Authority Statement sections.

A Caution under the Estates Administration Act may be deleted from the PIN by registration of a Withdrawal of Caution. Completed Forms 2 and 3 of the Estates Administration Act must be imported into Statement 61.

Transfer by Personal Representative

The statement below has been programmed to form part of the electronic document. It cannot be changed.

The transferor(s) hereby transfers the land to the transferee(s).

Creation of New Easements and Easement Only Indicator

Notification of an easement can be placed on a parcel register, at the time of receipt, for those lands (known as 'easement only lands') that prior to Teraview 6.1 did not contain a notice of the easement until it was added to the parcel thumbnail description at certification. This optional functionality allows the registrant to identify the 'easement only lands' in the document creating the easement and upon receipt the document will be automatically added to the parcel document pool of the 'easement only lands'. The system will also add the

document remark – “New Easement Only” to this entry. Upon certification of the creating document, the easement will be reflected in the parcel thumbnail description and the document and remark will be removed from the document pool of the ‘easement only lands’.

Please refer to the Easement Module for details.

Property

The names of the owners, including the estate name will be imported automatically. Remove the name of the estate, leaving only the name(s) of the Personal Representative.

Select the applicable statement below. The following are law statements and can only be signed for completeness by a lawyer:

- 3508 The property is subject to debts of the deceased.**
- 3509 The debts of the deceased are paid in full.**
- 3560 This transfer is for the purpose of paying debts.**
- 3562 The sale is bona fide and for value.**

Select the applicable statement below. They are both law statements.

- 3557 All required parties have given their consent to this transfer.**
- 3559 No consents are required for this transfer.**

NOTE: If statement 3557 is selected, the **names** of the parties consenting must be set out in Statement 61.

Select the applicable statement below and enter any required information. They are both law statements.

- 3558 The personal representative has the authority to transfer the land under the terms of the will, if any, the *Estates Administration Act* and the *Succession Law Reform Act*.**
- 3561 This transfer is authorized by Court Order (*import order*) and is still in full force and effect.**

Select the applicable statement below and enter any required information. The first is a law statement.

- 905 Title to the land is not subject to spousal rights under the *Family Law Act*.**

NOTE: When both statements 3557 and 905 are selected, statement 905 is regarded as covering both the estate/deceased and the consenting beneficiaries.

- 906 Title to the land is subject to spousal rights of the spouse of name.

- 61 Schedule: Text.

Lawyer’s Statement

- 62 I (name) solicitor make the following law statement (insert details).**

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

92 This document is supported by evidence which is indexed at the Land Registry Office as index number number

NOTE: If a property is being transferred by more than one party of which one is deceased, use the Transfer by Personal Representative document. Enter required statement for other party(s) in Statement 61, e.g. spousal, age, etc.

Planning Act Consent

If *Planning Act* consent has been obtained, select the following statement from the list of Additional Statements:

4048 "The name has consented to the severance herein. (import image)."

Additional Statements:

Most transfer of title documents will require two different lawyers to sign for completeness, one for the transferor and one for the transferee. Please refer to the Transfer Module, Law Statements for Transfer of Title Documents for more information on these statements and any exceptions.

Writs of Execution

Select the applicable statement below. Both are law statements and can only be signed for completeness by a lawyer. Enter the information required.

If the search for executions by the registrant produces a Clear Certificate, the following writ statement must be selected and completed. The solicitor signing the document will include their name in the statement to confirm that the appropriate parties' names were searched.

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 (name) confirm the appropriate party(ies) were searched.

If the search for executions by the registrant produces an Execution Certificate and identifies writs against the name searched, the following writ statement is to be selected and completed. The solicitor signing the document will include their name in the statement to confirm that the appropriate parties' names 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 (name) confirm the appropriate party(ies) were searched.

In addition, the writ number(s) and the name(s) searched will need to be entered on the writ tab and the appropriate writ statement selected from the list.

Statements:

The following statements are optional:

34 The statutory covenants are to be amended as follows: text (enter amendment).

- 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.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Land Transfer Tax

For a Transfer by Personal Representative and a Transmission by Devisee/Heir-at-Law, completion of the Tax Branch is mandatory. Enter the value of the consideration of the transfer, if any. Once the appropriate land transfer tax statements have been selected, the land transfer tax is calculated and displayed in the Land Transfer Tax field. Also, an electronic land transfer tax statement is created as part of the document. This is required by the Ministry of Revenue.

Note that only the consideration for the **real** property will be indicated on the transfer document.

If the land transfer tax indicates that the consideration is nominal, enter an amount and then select the appropriate land transfer statement explaining why the consideration is nominal.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

A Death of Owner type document is required to be electronically signed on behalf of the estate trustee/devisee/heir-at-law. See General Requirements, Signatories and General Authority Statement sections.

Survivorship Application

One of two or more owners may hold land as a joint tenant. When a joint tenant dies his/her share passes to the surviving joint tenant(s) according to the right of survivorship at common law. Similarly, a corporation may hold property as a joint tenant with another corporation or individual. When that corporation is dissolved the property transfers to the remaining joint tenant(s). Where two or more owners are described as trustees, the property is deemed to be vested in them as joint tenants unless it is expressly stated otherwise.

The same provisions apply as in a charge, in which the chargees hold their interest on joint account with right of survivorship, as joint tenants or as trustees.

A survivorship application submitted for electronic registration must contain the following:

- name and date of death of deceased joint tenant
- proof of death of the deceased, satisfactory to the land registrar
- a statement by the applicant that the land with respect to the deceased is not subject to any spousal rights under the *Family Law Act*.

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 (see statements below). 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 to be imported as the *Family Law Act* statement should be based on the survivors' personal knowledge.

The requirement for a covenant will not be required if, in addition to selecting statement 603, 604 or 605, a law statement regarding the spousal rights of the deceased joint is also provided in Statement 62, 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.*

The electronic registration system provides a number of document types related to the death of an owner. The system distinguishes between two types of survivorship applications. After choosing "Application Death of Owner", a drop-down list will appear. In order for the relevant statements to be displayed, one of the following must be selected:

- Survivorship Application—Land
- Survivorship Application—Charge.

Survivorship Application—Land

This type of application is used when the deceased party owns property. Once the document is registered, the deceased party's name is removed from the Ownership field.

Survivorship Application—Charge

This type of application is used when one of the chargees dies.

Survivorship Application

Instrument/Property

For a Survivorship Application—Land, enter the PIN (s) of the property. Data from the Property file in POLARIS is imported into the document. If the application affects more than one PIN, enter each PIN. For details see General Requirements, Property section.

For a Survivorship Application—Charge, enter the charge number. All the properties currently associated with the charge are imported into the document.

Interest/Estate

The interest/estate defaults to Fee Simple The interest/estate may be changed during the creation of the document.

Deceased

For a Survivorship Application—Land, the names of all owners are imported into the document from POLARIS. Remove the name of the surviving joint tenant(s), leaving only the name of the deceased.

Writs of Execution

A Survivorship Application—Land requires a writ search. A Survivorship Application—Charge does not. A search for writs of execution is performed automatically against the deceased owner's name. The writs function will provide the appropriate statement(s) to deal with any outstanding writs (i.e., to either clear the writ or make the parcel register subject to a writ). Refer to the Executions module for more information. If the deceased's name that appears on the proof of death differs from the name on title, a search for writs of execution is also required against the name on the proof of death. Select the applicable statement below. Both are law statements and can only be signed for completeness by a lawyer. Enter the information required.

If the search for executions by the registrant produces a Clear Certificate, the following writ statement must be selected and completed. The solicitor signing the document will include their name in the statement to confirm that the appropriate parties' names were searched.

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 (name) confirm the appropriate party(ies) were searched.

If the search for executions by the registrant produces an Execution Certificate and identifies writs against the name searched, the following writ statement is to be selected and completed. The solicitor signing the document will include their name in the statement to confirm that the appropriate parties' names 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 (name) confirm the appropriate party(ies) were searched.

In addition, the writ number(s) and the name(s) searched will need to be entered on the writ tab and the appropriate writ statement selected from the list.

For a writ of execution to be deleted from the parcel register, the land registrar must be satisfied that the sheriff has not advertised the land for sale in order to enforce the execution. Evidence is, however, not required if the death occurred within six months of the filing of the writ.

When a person owns a parcel of land, and a writ of execution against him/her is entered on the parcel register, the writ binds the land even when that person transfers the land as joint tenant.

When a judgment debtor who became a joint tenant subject to a writ of execution dies, the writ of execution is not to be deleted from the parcel register **unless**:

- the writ has expired and has not been removed; or,
- a discharge of the writ is filed by the sheriff under the *Land Titles Act*; or,
- a statement is made by the judgment creditor or his/her solicitor, declaring that the deceased registered owner is not one and the same as the judgment debtor, or
- a statement from the surviving joint tenant that the deceased is not one and the same if they provide a covenant to indemnify the *Land Titles Assurance Fund* and import it into the document using Statement 3640.

Applicant

Enter the name of the surviving joint tenant(s).

Statements

Survivorship Application—Land. Select the two statements below.

- 616 The applicant(s) held the property as joint tenants with the deceased.
- 617 By right of survivorship, the applicant(s) is entitled to be the owner(s), as a surviving joint tenant(s).

Survivorship Application—Charge. Select the two statements below.

- 618 The applicant(s) held the charge on joint account with right of survivorship with the deceased
- 619 By right of survivorship, the applicant(s) is entitled to be the owner(s), as a surviving joint tenant(s).

Select the appropriate statement(s) below and enter any required information.

Proof of Death

The following statement is a law statement and can only be signed for completeness by a lawyer:. No further evidence is required.

601 Date of death was yyyymmdd.

If the document is not being completed by a lawyer and evidence has been registered previously, in either the manual system or as evidence indexed on an electronic document, select this statement:

- 610 Documentation regarding the death of name, which is sufficient to deal with this transaction, is attached to registration number number.

If the registrant is not a lawyer and evidence is to be included with the application, proof of death must be established. One of the following is required:

- an original or notarial copy of the death certificate issued by the Office of the Registrar General
- a statement issued by the funeral director
- a statement issued by an authorized official of a transfer services establishment
- a certificate of appointment of estate trustee.

Evidence described above must be submitted to the Land Registry Office prior to registering the survivorship application. Land Registry Office staff will assign an index number to the evidence. Include that number in the following statement:

611 Date of death was yyyymmdd and the evidence of death is indexed at the Land Registry Office as index no. number.

Compliance with *Family Law Act*

If a spouse dies owning interest in a family residence as a joint tenant with a third person (and not their spouse), joint tenancy is deemed to have been severed immediately prior to the time of death. If the tenancy is severed, a transmission application is required. If the death occurred on or after March 1, 1986, an Application for Survivorship must be supported by one of the following statements:

- 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.

Additional Statements

For a Survivorship Application - Charge, the following statement is optional.

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

For a Survivorship Application – Land, authorized by a Power of Attorney the following statement is required.

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

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

A Survivorship Application is required to be electronically signed on behalf of the applicant. See General Requirements, Signatories and General Authority Statement sections.

Power of Attorney

Power of Attorney

A party may grant power of attorney to another in order to authorize that party to act on his or her behalf with respect to land or an interest therein registered under the *Land Titles Act*.

Occasionally an individual or corporate body may not be able to attend to a matter personally; in these cases authority may be delegated by them to a third party as an attorney, who carries out the act for them on their behalf. This delegation of authority is conveyed by means of a power of attorney.

The *Substitute Decisions Act*, which was passed on April 3, 1995, allows persons to choose others to make personal healthcare and property decisions in advance should they no longer be able to do so themselves. A power of attorney usually identifies an attorney by name. Banks, however, generally authorize the holders of specific positions (e.g., bank managers) to conduct business and enter into contracts on the bank's behalf.

A power of attorney may have specific conditions mentioned in it which govern the extent of authority. If the conditions extend to a specific parcel of land or to a specific address, the power of attorney is registered as a Limited Power of Attorney. If there are no conditions, the power of attorney is registered as a General Power of Attorney.

Registration of Power of Attorney

The original signed and witnessed Power of Attorney or a notarial or certified copy of the original must be scanned into the electronic registration of a Power of Attorney. A PIN cannot be entered in a power of attorney as they are recorded in the Power of Attorney Index.

Statements Pertaining to Registration of a Power of Attorney

In all cases when a Powers of Attorney is being registered, the following non-law statement must be selected:

2912 The Power of Attorney is attached hereto as an image in electronic format, is still in full force and effect, and has not been revoked. ([import image](#))

One of the following non-law statements must be selected:

2927 The power of attorney is for a limited purpose.

2928 The power of attorney is for a general purpose.

One of the following non-law statements must be selected:

2933 The Donor(s) is the applicant for the registration of this document.

2934 The Donee(s) is the applicant for the registration of this document.

Where the Applicant is the donor and is a corporation, one of the following non-law statements must also be selected:

- 10 I, name, have the authority to bind the corporation.
- 43 I am a partner.
- 48 I am a general partner.
- 45 This transaction is for a partnership purpose within the meaning of the *Limited Partnerships Act*.
- 54 This is the firm name of the Partnership/Limited Partnership.

Where the Applicant is the donee and is a corporation, one of the following non-law statements must also be selected:

- 70 I, name, have the authority to bind the corporation.
- 71 I am a partner.
- 72 I am a general partner.
- 73 This transaction is for a partnership purpose within the meaning of the *Limited Partnerships Act*.
- 74 This is the firm name of the Partnership/Limited Partnership.

Additional Statements

The following statement is optional:

- 61 Schedule: Text

Jointly/Severally

Where two attorneys have been appointed to act jointly or severally, this information may be entered into Statement 61.

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

Donee

Enter the name of the party being appointed to act as attorney.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

A Power of Attorney document is required to be electronically signed on behalf of the Applicant. See General Requirements, Signatories and General Authority Statement sections.

Searching Powers of Attorney and Revocations

A power of attorney and/or revocation may be searched in the electronic land registration system by instrument number, donor(s) name or attorney(s) name in the Power of Attorney Index.

Revocation of Power of Attorney

A power of attorney may be revoked. The registration of a document revoking that power may be registered in the Power of Attorney Index. Registration of a document revoking a power of attorney is required for revocation to become effective. As with a power of attorney, there is no PIN entered in the revocation, the registration number of the power of attorney must be sourced. If the power of attorney was registered in paper, the power of attorney registration date will not be imported into the electronic revocation document. An electronic revocation document will be receipted even if the source instrument (being the paper registered power of attorney) is not found. Regulation 19/99 under *Land Registration Reform Act* states a revocation of a power of attorney submitted for electronic registration shall contain **the registration number and date of registration**. The electronic Revocation instrument will indicate the power of attorney registration number with no registration date provided. For the instrument to be in a certifiable form, the registration date of the power of attorney must be manually entered in statement 61 in order for the document to comply with the Regulation.

Donor

Enter the name of the party revoking the power of attorney.

Statements

Select the appropriate statement below and enter the required information.

- | | |
|-------------|---|
| 2913 | The revocation of power of attorney, effective (<u>yyyymmdd</u>), is attached hereto as an image in electronic format. (<i>import image</i>) |
| 2914 | The power of attorney is no longer in force, pursuant to an order which is in full force and effect and is attached hereto as an image in electronic format. (<i>import image</i>) |
| 2915 | Evidence that the power of attorney is no longer in force is attached hereto as an image in electronic format. (<i>import image</i>) |
| 2916 | The power of attorney is no longer in force, pursuant to the death of the donor on (<u>yyyymmdd</u>). |

One of the following non-law statements must be selected:

- | | |
|------|--|
| 2933 | The Donor(s) is the applicant for the registration of this document. |
| 2934 | The Donee(s) is the applicant for the registration of this document. |

Donee

Enter the name of the donee.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

A Revocation of Power of Attorney is required to be electronically signed on behalf of the donor. See General Requirements, Signatories and General Authority Statement sections.

Documents signed by Power of Attorney

Documents registered electronically may be signed or authorized by power of attorney. The power of attorney must be registered in the same Land Registry Office as the document that is being registered. Different requirements apply to documents signed by individuals and corporations. Powers of Attorney are registered in the Power of Attorney Index in the land registration system by individuals and corporations/banks to authorize someone else to sign a document on their behalf. A law statement will be necessary when any document is registered under the authority of a Power of Attorney given by an individual. In these cases, a lawyer will be required to discuss the Power of Attorney with their clients and provide the requisite law statement.

A law statement will not be required in documents signed under the authority of a Power of Attorney given by a corporation or a bank. In those cases, the attorney will be required to make a statement that they are acting within the scope of the Power of Attorney.

Documents Executed Under Authority of a Power of Attorney Granted by a Donor that is not a Company:

The following statement must be selected with the appropriate statements in either (a) or (b):

2907, 2904 I, name say that to the best of my knowledge and belief, the power of attorney is still in full force and effect and the principal had the capacity to give the power of attorney when giving it and was at least 18 years of age when the power of attorney was executed. The power of attorney was registered as number number.

(a) Where the attorney is not a company:

2917, 2922 I, name of solicitor, confirm that I have reviewed the power of attorney with the attorney, and the attorney has confirmed that:

1. The attorney is the lawful party named in the power of attorney,
2. The attorney is acting within the scope of the authority granted under the power of attorney, and
3. To the best of the attorney's knowledge, information and belief, the power of attorney was lawfully given and has not been revoked.

(b) Where the attorney is a company:

2918, 2923 I, name of solicitor, confirm that I have reviewed the power of attorney with the attorney, and the attorney has confirmed that:

1. The attorney is the lawful party named in the power of attorney,
2. The attorney is acting within the scope of the authority granted under the power of attorney,
3. To the best of the attorney's knowledge, information and belief, the power of attorney was lawfully given and has not been revoked, and
4. At the time this document was executed, name was the position of company/bank (donee), and had the authority to bind the attorney.

Documents Executed under Authority of a Power of Attorney Granted by a Corporation/Bank:

The applicable statement to the situation being dealt with must be selected. None are law statements.

For an attorney that is a company:

- 2919, 2924
1. Power of Attorney was registered as number number.
 2. To the best of the attorney's knowledge and belief, the power of attorney is still in full force and effect.
 3. The attorney is acting within the scope of the authority granted under the power of attorney.
 4. At the time this document was executed, name was the position of (attorney) company/bank, and had the authority to bind the attorney.

For an attorney that is a named person who is not in a company:

- 2920, 2925
1. Power of Attorney was registered as number number.
 2. To the best of my knowledge and belief, the power of attorney is still in full force and effect and gives me, name, the authority to bind the donor.
 3. I am acting within the scope of the authority granted under the power of attorney.

For an attorney that is a named person or a named position in a company:

- 2921, 2926
1. Power of Attorney was registered as number.
 2. To the best of my knowledge and belief, the power of attorney is still in full force and effect and gives me the authority to bind the donor.
 3. I am acting within the scope of the authority granted under the power of attorney.
 4. At the time this document was executed, I, name, was the position of (attorney) company/bank.

Estate trustee and Power of Attorney

Generally, an estate trustee cannot appoint an attorney by power of attorney to deal with the estate of the deceased unless the two statements below are made.

- Name of estate trustee as estate trustee with or without a will of the estate of name of deceased has exercised his/her power to sell the property to name of

transferee and has delegated to me attorney's name only the right to sign on his/her behalf as estate trustee the necessary transfers and statements/affidavits.

- I am merely completing the transaction and I am not exercising any discretionary powers on the estate trustee's behalf.

Release of Spousal Rights

An attorney may release spousal rights provided that the power of attorney expressly gives the attorney that right. Statements as to the validity of the power of attorney and its registration are required.

Application for Absolute Title

Land Titles Conversion Qualified Title to Absolute Title

A registered owner of land with a qualified title may at any time apply to the land registrar to be registered as owner of the land with an absolute title. Evidence to remove the qualifying conditions must form part of the document and prove satisfactory to the land registrar.

Electronic documents and statements are available and may be used in conjunction with the process set out in the MCBS Client Guide – LAND TITLES CONVERSION QUALIFIED (LTCQ) TO LAND TITLES ABSOLUTE PLUS (LT+) – dated August 2001.

The guide can be obtained from the Ontario Website. The address of the site is www.Ontario.ca. From there you would select English or Francais, then Land Registration, and then Guides. Also, see Bulletin 2009-05 regarding Descriptions and Bulletins 2009-06 and 2017-04 regarding Service of Notice.

Clients are to work with the Land Registry office as to the process. The application currently is accepted in the paper format as well.

To change the land from land titles conversion qualified to absolute title status, the following steps must be taken:

- Register the Notice of Application for Absolute Title in the appropriate Land Registry Office on the same day that notices are sent to the adjoining owners and any parties with a registered interest in the land and to those who appear to have an interest.
- After the initial notice period has passed, and once objections, if any, have been dealt with, forward the Application for Absolute Title to the appropriate Land Registry Office for review.
- Upon approval of the application and plan, submit the plan for deposit.
- Prior to registration, insert the number assigned to the reference plan into the Application for Absolute Title.

The Land Registry Office will inform the registrant of the new PIN assigned to the property.

Applications for Absolute Title can also be based in whole or in part on possession of the land in question. For more information please refer to the MCBS Client Guide.

Absolute Title Application Documents

The electronic registration system distinguishes between the following two types of absolute title application documents:

- Notice of Application for Absolute Title
- Application for Absolute Title

Each requires different information or evidence to meet registration requirements (see Statements below).

Property

Once the PIN has been entered, data from the Property file in POLARIS is imported into the document. If the documents deal with more than one PIN, enter each PIN. See General Requirements, Property section for details.

Creation of New Easements and “Easement Only” Remark

Notification of an easement can be placed on a parcel register, at the time of receipt, for those lands (known as ‘easement only lands’) that prior to Teraview 6.1 did not contain a notice of the easement until it was added to the thumbnail description at certification. This optional functionality allows the registrant to identify the ‘easement only lands’ in the document creating the easement and upon receipt the document will be automatically added to the instrument list of these PIN(s). The system will also add the document remark – “New Easement Only” to this entry. Upon certification of the creating document, the easement will be reflected in the thumbnail description of all the PIN(s) and the document and remark will be removed from the instrument list of the easement only PIN(s).

Please refer to the Easement Module for details.

Applicant

Enter the name of the applicant(s).

Owner

Enter the name of the owner(s).

Statements

Different statements are required for specific title application documents.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

No Dealings Indicator/Land Registrar’s Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar’s Investigation sections.

Notice of Application for Absolute Title

Statements

For a Notice of Application for Absolute Title, select the following statement and enter the required information:

- 3724 Take notice that the applicant(s) has made an application to be registered as the owner(s) with an absolute title of land described as follows: registerable description. And take notice that any person claiming to have any title to or interest in the said land or any part thereof is required on or before yyyymmdd, to file a statement of objection setting out the grounds for the objection at solicitor’s address. This notice is served upon you because you appear to have an interest in land which is adjacent to the land included in the application or an interest in the land included in the application as illustrated on the attached plan that is also filed in the land registry office as file no. number.

Select one of the two statements below and enter the required information. The draft reference plan must be indexed at the Land Registry Office prior to the registration of the Notice.

92 This document is supported by evidence which is indexed at the Land Registry Office as index number number.

61 Schedule: Text

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

Application for Absolute Title

Until Statement 3725 is revised, registrants are required to enter the following information into Statement 61:

The registered owner(s) (or person(s) in possession) of the following described land hereby apply to be registered as owner(s) of the land with an absolute title and to have the Parcel Register amended by:

1. Deleting the Universal Qualifiers, as set out in the said parcel; and substituting therefore, the following:

Subject to subsection 44(1) of the Land Titles Act, except paragraphs 3 and 14 and Provincial Succession Duties and except paragraph 11 and Escheats or Forfeiture to the Crown up to the date of registration with an absolute title.

2. Deleting the Optional Qualifier regarding the rights of the owner(s) of adjoining parcels, if any, under instrument number(s)
3. Deleting the words "Fee Simple LT Conversion Qualified" from the Estate/Qualifier field and inserting "Fee Simple LT Absolute Plus".

Description of land

(registrable description of land, parts on Reference Plan)

Select one of the two statements below and enter the required information, being the Certificate of the Solicitor and the Certificate of the Surveyor (see MCBS Client Guide).

92 This document is supported by evidence which is indexed at the Land Registry Office as index number number.

61 Schedule: Text

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed

into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document

A Title Application document is required to be electronically signed on behalf of the applicant. See General Requirements, Signatories and General Authority Statement sections.

Condominium Lien

Generally, common expenses are payments by unit owners to the condominium corporation to cover maintenance and repair costs of common elements. According to the *Condominium Act, 1998* owners are required to contribute to the common expenses in the proportions specified in the declaration.

Notice of Lien

A notice of lien may be registered by a condominium corporation against an owner of one or more units who fails to contribute his/her share of the common expenses. The lien is for the unpaid amount of common expenses against the owner's unit and its appurtenant common interest, together with all reasonable costs, charges and expenses incurred by the corporation in connection with the collection of the unpaid amount.

In order to preserve the lien, the condominium corporation must register a notice of lien within three months of the default of payment (although this time period is not verified by the Land Registry Office). The lien is enforced in the same manner as a charge/mortgage under the *Mortgages Act*, in which power of sale proceedings may be commenced. Refer to the Sale by Chargee module, Transfer under Power of Sale section.

Upon payment of the unpaid amount, together with all reasonable costs, charges and expenses, the condominium corporation is obliged to provide the owner with a discharge. See Discharge of Condominium Lien below.

Priority of Common Expense Lien

A registered lien for unpaid common expenses on a unit in a condominium has priority over every registered and unregistered encumbrance, even if that encumbrance existed prior to the lien arising, except for the following:

- a claim of the Crown other than for a mortgage
- a claim for taxes, charges, rates or assessments levied or recoverable under the *Municipal Act*, the *Education Act*, the *Local Roads Boards Act*, the *Statute Labour Act* or the *Local Improvement Act*
- a lien or claim that is prescribed.

Notice to be Served

For a lien on a unit in a condominium, the *Condominium Act* requires that the condominium corporation give notice to every registered encumbrancer on or before the day the notice of lien is registered. The *Condominium Act, 1998*, requires that notice be given at least 10 days prior to the lien being registered.

Discharge of Condominium Lien

A discharge of condominium lien must contain the following:

- name of condominium corporation
- registration number of notice of lien.

Condominium Lien (Condominium Act 1998)

Property

Once the PIN has been entered, data from the Property file in POLARIS is imported into the document. If the condominium lien affects more than one PIN, enter each PIN. For details see General Requirements Property section.

Claimant

Enter the name of the condominium corporation.

Statements

Select the following statement and enter the required information:

- 4034 The identified Condominium Corporation certifies that it has a lien under the Condominium Act against the above unit/property for: (a) unpaid common expenses in the amount of amount as of the date of this certificate; (b) the amount by which the owner defaults in the obligation to contribute, after the registration of this certificate, to the common expenses which include all amounts that under the Act are added to or form part of the common expenses; and (c) all interest owing and all reasonable legal costs and reasonable expenses that the Condominium Corporation incurs in connection with the collection or attempted collection of the amounts described in clauses (a) and (b), including the costs of preparing and registering this certificate of lien and a discharge of it. Upon payment of the amounts described above, the Condominium Corporation shall prepare and register a discharge of this certificate of lien and shall advise the owner in writing of the particulars of registration. This lien does not secure payments of common expenses that became due more than three months before the date of registration of this certificate.

The text of the statement above conforms to the wording of the prescribed form under the *Condominium Act, 1998*.

Authorization

A condominium lien can only be registered by the condominium corporation. Select and complete the following authorizing statement:

- 10 I, name, have the authority to bind the corporation.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

A condominium lien is required to be electronically signed on behalf of the condominium corporation. See General Requirements, Signatories and General Authority Statement sections.

Discharge of Condominium Lien

Enter the registration number of the condominium lien. All the properties currently associated with the lien are imported into the document. A partial discharge of the lien may be completed. The discharging party has the option to select ALL/PARTIAL/NONE.

Discharging Party

The name of the condominium corporation (claimant) is imported into the document automatically from POLARIS.

Statements

The following statement has been programmed to form part of the electronic document. It cannot be changed.

The identified Condominium Corporation having received payment in the amount of the selected notice of lien in respect of the above PIN(s) pursuant to the Condominium Act hereby discharges the said lien.

Authorization

A condominium lien can only be discharged by the condominium corporation. Select and complete the following authorizing statement:

10 I, name, have the authority to bind the corporation.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

A discharge of condominium lien is required to be electronically signed on behalf of the condominium corporation. See General Requirements, Signatories and General Authority Statement sections.

Discharge of Common Elements

Condominium Interest

This document type is currently available but is under development.

Notice of Change of Address— Condominium

Under the *Condominium Act*, a condominium corporation may change its address for service and/or mailing address by registering a notice of change of address.

If a party other than the condominium corporation with a registered interest in a property wishes to change an address for service, refer to the Notices module, Notice of Change of Address section.

Notice of Change of Address for service —Condo

Property (s)

A notice of change of address for a condominium corporation must include all the PINS of the condominium. Once the PIN (s) have been entered, data from the Property file in POLARIS is imported into the document. The Notice of Change of Address will also be recorded in the Condominium Corporation Index.

Applicant

Enter the name of the condominium corporation.

Statements

If a new address for service is being registered, select the following statement and enter the required information:

3731 Municipality Condominium Corporation No. Condo no., gives notice that it changes its address for service to address for service.

If a new mailing address is being registered, select the following statement and enter the required information:

3732 Municipality Condominium Corporation No. Condo No., gives notice that it changes its mailing address to mailing address.

The text of these statements conforms to the wording of the prescribed form under the Condominium Act, 1998.

Authorization

A Notice of Change of Address—Condominium can only be registered by the condominium corporation. Select and complete the following authorizing statement:

10 I, name, have the authority to bind the corporation.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

A Notice of Change of Address—Condominium is required to be electronically signed on behalf of the condominium corporation. See General Requirements, Signatories and General Authority Statement sections.

Condominium By-law

The *Condominium Act, 1998* provides for a unique form of property management through the use of by-laws and rules. Once a declaration and description are registered, a corporation is created, without share capital, whose members are the owners of the condominium units. The corporation is responsible for managing the property, including common elements and any assets of the corporation. The members of the condominium corporation, through an elected board of directors, may pass by-laws and rules for the benefit of all unit owners.

For a by-law passed by the board of directors to be effective, a copy of the by-law must be registered by the condominium corporation.

Condominium By-law (Condominium Act 1998)

Property

A condominium by-law must include all the PINS of the condominium. Once the PINs have been entered, data from the Property file in POLARIS is imported into the document.

Applicant

Enter the name of the condominium corporation.

Statements

Select the following statement and enter the required information including the bylaw:

4033 Name of Condominium Corporation Condominium Corporation No. Condo No. hereby certifies that by-law number Number attached hereto Insert bylaw is a true copy of the by-law. The by-law was made in accordance with the Condominium Act. The owners of a majority of the units of the corporation have voted in favour of confirming the by-law.

Select the following statement if applicable.

4036 The by-law is a joint by-law made under the Act and is not effective until the corporations that made it being Name of Condominium Corporations have each registered a copy of the joint by-law in accordance with the Act.

61 Schedule: Text.

Lawyer's Statement

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

This Statement is similar to Statement 61 but is to be used where a statement of law is required but there is not a law statement available for selection. Information may be keyed into this field, or imported from a word-processing package. When statement 62 is selected the system will require a lawyer to sign the document for completeness.

Authorization

A condominium by-law can only be registered by the condominium corporation. Select and complete the following authorizing statement:

10 I, name, have the authority to bind the corporation.

Documents Signed under the Authority of a Power of Attorney

Every document signed under the authority of a power of attorney requires additional statements to be selected. See General Requirements, Authorization by Power of Attorney for available statements.

No Dealings Indicator/Land Registrar's Investigation

For statements available to make when a No Dealings Indicator is on title, see General Requirements, No Dealings Indicator and Land Registrar's Investigation sections.

Authority

Additional Statements are required regarding the authority to create and register a document. For more information on the proper authorization of documents, see General Requirements, General Authority Statement section.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

A condominium by-law document is required to be electronically signed on behalf of the condominium corporation. See General Requirements, Signatories and General Authority Statement sections.

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