
Bulletin No. 2018-01**Land Titles Act****Registry Act****Date: January 19, 2018****Individuals with a Single Name**

Introduction

Effective November 14, 2017, Bill 154, the *Cutting Unnecessary Red Tape Act*, made changes to the *Land Titles Act* (the “LTA”) and the *Registry Act* (the “RA”) to complement changes that had previously been made in the *Vital Statistics Act* (the “VSA”) and the *Change of Name Act* (the “CNA”) allowing, in certain instances, an individual to register a birth with a single name or change their name to a single name. For more information about single-name provisions in the VSA and the CNA, please see the following webpage: www.ontario.ca/page/change-name-adults

Section 67 of the *Land Titles Act* and Section 48 of the *Registry Act* (RA) both had contained language to the effect that a party (other than a corporation) must be described by a surname and a first given name, followed by a second given name, if any. Both of these acts have now received complementary amendments to align them with the VSA and the CNA.

General

It is the responsibility of the party(ies) to the document, and the persons preparing and registering documents, to ensure that any name being used in a document complies with all the appropriate legislation, including but not limited to, the LTA, RA, VSA and CNA. This does not change when an individual with a single-name is involved.

The Law Society of Ontario maintains specific client identification and verification requirements for lawyers which have been in place for a number of years and have proven to be effective. The same client identification and verification requirements remain applicable to all users of, and in respect to all registrations under, the electronic land registration system, including registrations relating to single-name parties.

Land Registration Requirements

Neither the LTA nor the RA requires any specific evidence proving compliance with the VSA and the CNA when registering a document with an individual with a single name, or otherwise. Compliance is always the responsibility of the person(s) preparing and registering documents in the system (and, in the case of an electronic document, those signing an electronic document for completeness).

Teraview was designed with validations to ensure a person entered both a surname and at least one given name, in compliance with the legislation applicable at the time. Therefore, until such time as the required amendments to Teraview can be made, all documents containing an individual with a single name must be registered in paper format. The forms previously prescribed under the Land Registration Reform Act, commonly known as the “POLARIS forms” must be used. Both the English and bilingual forms of the Transfer/Deed of Land, Charge/Mortgage of Land, Discharge of Charge/Mortgage, Document General and Schedule are available at the following webpage:

www.ontario.ca/search/land-registration?sort=desc&field_forms_act_tid=reform

Where appropriate, registration of paper format documents must still meet electronic registration requirements of the regulations under the Land Registration Reform Act. For instance, but without limiting the generality of the requirements:

1) Transfers:

As set out in Bulletin 2009-02 and as part of the Real Estate Fraud Action Plan, the appropriate statement(s) must be entered and, additionally, a physical signature near the relevant statement of the solicitor acting for the party(ies) is required. See the example below. Including the statement number is required.

Example:

5042 I am the solicitor for the transferee(s) and I am not one and the same as the solicitor for the transferor(s). _____
signature of solicitor in dark ink
(name in print)

The required statements from sections 3(ii) and 3(iii) of the Bulletin 2009-02 are set out below:

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.

- 5041** I am the solicitor for the transferor(s) and I am not one and the same as the solicitor for the transferee(s).
- 5042** I am the solicitor for the transferee(s) and I am not one and the same as the solicitor for the transferor(s).
- 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.
- 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.
- 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.

For more information on the above statements please see Bulletins 2009-01 and 2009-02.

2) Other Document Types:

Other documents that include a party with a single name will not require any additional statements, solicitor or otherwise, and will be accepted at face value provided they meet the regular registration standards.

3) Writs of Execution Searches:

A search for writs of execution is required when a party is disposing of land and other instances as outlined in Bulletin 98003. This requirement is consistent with electronic registration requirements today.

The Ministry of the Attorney General advises that a search for writs of execution against an individual that has a single name can only be performed manually by staff at a Ministry of the Attorney General Enforcement Office. Therefore, any registration that requires an execution search as part of the registration process requires the registrant to obtain a writ certificate from a Ministry of the Attorney

General Enforcement Office on the day of registration, and to confirm the results of that certificate at the time of registration.

If an execution against an individual with a single name is found and the document is to be registered free and clear of the execution, one of the statements set out in the “Writs” section, “Transfer” module of the Electronic Registration Procedures Guide is required and must have the physical signature of the party making it near the statement in dark ink. Including the statement number is required.

To find a Ministry of the Attorney General Enforcement Office, please see the following webpage:

www.attorneygeneral.jus.gov.on.ca/english/courts/Court_Addresses/

(original signed by)

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