



## A LOT FROM THE DOT

### POWERS OF ATTORNEY

March, 2021

Just a few things about the use of powers of attorney in the Land Registry Office. Powers of attorney that are to be registered in the power of attorney register maintained as part of the electronic land registration system may **not**:

- (i) contain any personal information of the donor or attorney (for example, but without limitation, social insurance numbers, passport details, driver's license details, health card details, bank accounts and/or credit card details, etc.) – since no redacted documents may be registered in the land registration system, any power of attorney with such personal information (or with patent redaction of such personal information) will be withdrawn if submitted for registration, with “zero tolerance” for exceptions;
- (ii) be used for conveyancing after the death of the donor (or dissolution, in the case of a corporate donor), even though the power of attorney may have been coupled with an interest – this is not to say that such powers of attorney might not be effective, but we mean simply that, the effectiveness of the “coupled with an interest” language in a post-mortem power of attorney must be sanctioned by court order before being used for conveyancing in the land registration system;
- (iii) be contained or incorporated in another document – this is not to say that powers of attorney conferred as part and parcel of other documents might not be effective, but we mean simply that, for registration purposes in the land registration system, powers of attorney in the power of attorney register must be “freestanding” powers of attorney readily ascertainable as such; and
- (iv) be registered in the form of court orders – this is not to say that a court cannot make persons attorneys or authorized signatories for putative donors for whatever purposes the courts see fit, and these court orders can still be registered on title using the Application for Court Order document type, but we mean simply that court orders will not be permitted to be registered in the power of attorney register as powers of attorney, consistent with our policy that documents in the power of attorney register must be “freestanding” powers of attorney readily ascertainable as such.

Furthermore, Statement 2934 in Teraview provides:

2934 The Donee(s) is the applicant for the registration of this document

When using Statement 2934 in circumstances where there are multiple donees, Statement 2934 will be deemed to mean “any one or more of the donees actually exercising the power”. In this way, if there are multiple attorneys, but only, for example, one attorney is exercising the power, Statement 2934 may still be used to allow that one attorney to be the applicant for the registration of the power of attorney, and the acknowledgment and direction of that one attorney is all that is required to register the power of attorney. All donees under the power of attorney must still be listed as the applicant even if only one donee, as aforesaid, is actually authorizing the registration of the power of attorney.