

Bulletin No. 2023-02

Teraview Enhancements

Date: May 30th, 2023

Land Titles Act

The following enhancements are being implemented in Teraview on June 3rd, 2023. They will allow for an improved customer experience by facilitating document registrations and reducing the number of documents returned for correction.

1. Block Party Descriptors in the Party To field

Generally, the Land Titles system does not permit “party descriptors”. Accordingly, it is inappropriate, in most cases, to add party descriptors, typically as suffixes, to the name of a party. Teraview will now block certain party descriptors from being entered in the Party To field in documents. The use of these party descriptors will not be blocked if the party descriptors are part of a corporate name, and a corporate identifier is entered within the same field.

These are some of the more common party descriptors that will be blocked unless they are accompanied by a corporate identifier entered in the same field:

- In Trust
- Carrying on Business (COB)
- Operating as (O/A)
- Trading as (T/A)
- Registered Retirement Savings Plan (RRSP#)
- Family Trust

See Appendix A for the complete list of unacceptable party descriptors that will be blocked unless they are accompanied by a corporate identifier entered in the same field.

Permitted corporate identifiers are “Limited” “Limitée”, “Incorporated”, “Incorporée” or “Corporation” or the corresponding abbreviations “Ltd”, “Ltée,” “Inc.” or “Corp.”

The following punctuation marks are acceptable:

\! “ ” « » # \$ % & ' () * + , - . / \ : ; < = > ? [] ' ^ ≤ ≥ @ , ` ` ^ ”

Teraview will not block any document using a party name with such punctuation marks. This is not a suggestion to invent punctuation marks when a punctuation mark is not in fact a part of the party’s name.

Examples of Party Descriptors

Acceptable	Not Acceptable
Sunshine Credit Union In Trust Limited	Sunshine Credit Union In Trust
Timberland Family Trust Inc.	Timberland Family Trust
Timber, Justin T/A Timberland Ltd.	Timber, Justin T/A Timberland
Sunshine Pipes Inc.	Sunshine Pipes C.O.B. Sunshine Plumbing

The information intended by party descriptors may, in certain circumstances, be entered as information in Statement 61 (e.g., “RRSP account #”, “carrying on business as”, and “trading as”, etc.) but, for greater certainty, not usually a description of the owner of freehold or leasehold land or of a charge as a trustee.

If a corporate identifier is not included in the Party To name containing an offending party descriptor, the following warning message will be displayed:

“If the Party To contains a descriptor, you must include a corporate identifier (e.g., INC., INCORPORATED, LTÉE).”

This is not a suggestion to invent an inappropriate corporate identifier when a corporate identifier is not in fact a part of the party’s corporate name.

There will be some situations where a new party descriptor is added that is not identified on Appendix A. The Land Registry Office staff will not be looking for such new party descriptors, so a document using such an inappropriate party descriptor might get certified. However, a future document using such a party name that has an inappropriate party descriptor may be refused, which will then require an Application to Change Name to amend the title to correct the inappropriate party descriptor.

There will also be some situations where Teraview blocks an individual or corporation name that is otherwise a proper legal name. In these rare situations, please submit an override request form via OnLand.ca with a detailed explanation of the situation.

2. Power of Attorney Statements

When a document is signed under a Power of Attorney, that Power of Attorney document must have been previously registered in the same land registry office as the document purporting to use that power of attorney.

When the Power of Attorney statements 2904, 2907, 2919, 2920, 2921, 2924, 2925 or 2926 are selected, Teraview will now confirm at time of registration that: (i) the document entered is in fact a power of attorney document type; and (ii) the Power of Attorney is in fact registered in the same land registry office as the document purporting to use that power of attorney.

An error message will be displayed at registration, if the document referred to in the above statements is not a power of attorney document type registered in the same land registry office that the document using such statement(s) is being registered:

“Statement [] selected for **Party From** [] must refer to a Power of Attorney instrument in the current LRO.”

“Statement [] selected for **Party To** [] must refer to a Power of Attorney instrument in the current LRO.”

Teraview requires a prefix for all instrument numbers (e.g., AT123456). In rare situations, the registration number for a Power of Attorney is numeric only (e.g., 123456). In these rare situations, Teraview will block the reference to an un-prefixed Power of Attorney document, and an override will be required. Please submit an override request form via OnLand.ca.

3. Discharge of Charge Validation

When registering a Discharge of Charge, where the underlying Charge has been transferred or the name of the chargee has changed, then the relevant Transfer of Charge and/or Application to Change Name – Instrument must be sourced in the Discharge of Charge. Unfortunately, there is considerable confusion regarding the use of the existing Statements 3700 and 3710:

3700 The party giving this discharge is the new chargee by a transfer of charge or is the original chargee and has changed its name. The party giving this discharge

is entitled to give an effective discharge.

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

In order to assist with registration of such a Discharge of Charge, a new warning message is being introduced if there is a Transfer of Charge and/or an Application to Change Name – Instrument on the PIN and it is not sourced.

“There is a Transfer of Charge and/or Application to Change Name Instrument on PIN(s) [-]. Please ensure it does not affect the sourced Charge.”

There is no assurance that a Transfer of Charge and/or Application to Change Name -- Instrument on the PIN is in fact relevant to the Discharge of Charge, and it remains incumbent upon the registrant to verify the relevance of such registrations on the PIN.

Furthermore, to help users select the correct statements in a Discharge of Charge between Statements 3700 and 3710, Teraview will prevent users from selecting Statement 3710 if there is a Transfer of Charge sourced, and the following warning message will be displayed:

“Statement 3710 cannot be selected for Party from [] as an Assignment Instrument is sourced.”

If only a Charge is sourced, the system will prevent the user from choosing Statement 3700 and display the warning message:

“Statement 3700 cannot be selected for Party from [] as there is only one sourced instrument.”

4. Subsequent Caution on PIN

Only one Caution-Land and/or Caution-Charge may be registered under Section 128 of the Land Titles Act. Any second Caution-Land and/or Caution-Charge on the PIN in connection with the same circumstances is permitted under Section 130 of the Land Titles Act only with the permission of the Director of Titles.

When creating a Caution-Land and/or Caution-Charge where a previous Caution-Land, Caution-Charge or Caution-Notice has been registered on the PIN (active or deleted),

the user will be presented with a warning message:

“A subsequent Caution on PIN(s) [] must be approved by the Director of Titles or may be withdrawn.”

All the above-noted Cautions have a limited “shelf-life” and cease to have effect sixty (60) days from the date of their registration. Occasionally, a Caution (or other similar document) will be submitted for registration but then withdrawn before certification as an improper registration (for whatever reason). All such documents submitted for registration (even though they may have been subsequently withdrawn without being certified) would still have had de facto protective injunctive effects during the period while the improper registration was still reflected on the PIN.

In a scenario where an improper registration has been submitted for registration then withdrawn, and a Caution is then registered following the withdrawal of the improper registration, the relevant sixty (60) day shelf-life otherwise available for the Caution shall be shortened by the actual number of days during which the improper registration had been recorded on the title.

So, for instance, if an improper Caution had been showing on title for ten (10) days before being withdrawn, and a subsequent proper Caution was then registered on title, the relevant sixty-day shelf-life of the proper Caution shall be correspondingly reduced by the ten (10) days that the withdrawn Caution had been showing on the PIN (with the effect that Caution will cease to have effect fifty (50) days from the date of its registration instead of the usual sixty (60) days otherwise available for Cautions).

If, for whatever reason, the improper registration had been shown on title for sixty (60) days (or more), then a subsequent Caution may not be submitted for registration at all (because the full sixty (60) day shelf-life of such a Caution will have already been used-up by the improper registration).

6. Capacity Field Issues

Subsection 13(1) of the *Conveyancing and Law of Property Act*, R.S.O. 1990, c. C.34 provides that, where land is conveyed to two or more persons, they are deemed to take as tenants in common unless an intention sufficiently appears on the face of the transfer to take as joint tenants. This means that, where a Transfer names two or more transferees but is blank as to tenure (i.e., does not expressly state that it was the intention of the transferees to take as joint tenants), then the transferees are deemed to take as tenants in common.

Many Transfers continue to be prepared for two or more transferees, but then left blank as to tenure, resulting in a tenancy in common in circumstances where the intent of the transferor and his/her instructions to the solicitor may have been to create a joint tenancy. The Land Registry Office will not retroactively amend a deed or transfer to show a joint tenancy unless evidence of such intention sufficiently appears on the face of the deed or Transfer.

Teraview has been enhanced to reduce the risk that a tenancy in common is created when a joint tenancy was intended. For all ownership and charge documents where the capacity field is left blank, Teraview will display the following warning message:

“Party To Capacity has not been selected for [].”

This should reduce the possibility that a tenancy in common is created simply because the capacity is left blank.

Sometimes, documents are registered with more than one Party To, but with capacities that do not match. So, for example, a Transfer may indicate two parties as Party To, but with one transferee given the capacity of tenant in common, and the other transferee given the capacity as joint tenant. This is incorrect.

Whenever there are is more than one party identified as a Party To, and the capacity field sets out “Joint Tenants”, “Joint Account Right of Survivorship”, “Trustee” or “Joint Account” are selected only once, Teraview will now display the following error message:

“The capacity selected for [0] requires more than one Party To”

Sometimes, documents are registered with only one Party To, but with a capacity that is inconsistent with a single Party To. So, for example, a Transfer may indicate only one Party To, but that party is then given the capacity of a joint tenant. This too is incorrect.

Whenever the Party To is a single party, these capacities cannot be selected, and the following error message will be displayed:

“The capacity selected requires more than one Party To.”

Users are reminded that the use of “Trustee” as a capacity or as a descriptor is not permitted in almost all cases. Section 62 of the Land Titles Act prohibits any notice of express, implied, or constructive trusts from being entered on the registered or received

for registration. Even in those limited scenarios where notice of a trust may be made, then the reference to the trust must be entered as information in Statement 61.

8. Override Survivorship Application

A Survivorship Application-Land can only be registered when both the applicant and the deceased are joint tenants.

Teraview has been enhanced so that it will now check to ensure that the parties comprising the Applicant and the deceased in a Survivorship Application-Land are all identified as having a Joint Tenant capacity, failing which one or both of the following error messages will be displayed:

“The capacity of **Party From** Owner [] must be Joint Tenants.”

“The capacity of **Party To** Owner [] must be Joint Tenants.”

In some cases, the title will be held by two or more co-owners as joint tenants, but with one or more other co-owners shown on the PIN as tenants in common. So, for instance, X and Y holding as joint tenants as between themselves but collectively as tenants in common, as to an undivided $\frac{1}{2}$ interest, with Z holding as tenant in common as to the other $\frac{1}{2}$ undivided interest (as is often the case with intergenerational titles).

Historically, in this “combination capacity” scenario, if a Survivorship Application-Land had been submitted for registration on account of the death of one of the joint tenants, Teraview would not allow the processing of the Survivorship Application-Land because it detected at least one co-owner who was not a joint tenant. In such a situation, the user had to seek an override to register the Survivorship Application-Land.

Teraview has been enhanced to eliminate that need for an override. Teraview can now detect the deceased and applicant in a Survivorship Application-Land and determine if they are both joint tenants – if so, Teraview will allow the registration of the Survivorship Application-Land, even though there may be other co-owner(s) on the PIN who are tenants in common.

However, this enhancement only applies when there is a combination of at least two joint tenants and other co-owners who are tenants in common. Teraview will not be able to recognize or process a Survivorship Application-Land when the PIN ownership presents other combinations of capacities. Anyone needing to process a Survivorship Application-Land with such other combinations of capacities will be met with the following error message.

“PIN ownership contains a combination of capacities. Please request an override through OnLand.ca.”

Notwithstanding this error message, an override might not always be available, depending on the nature of the combination of capacities. Users should seek the override and will be directed to the appropriate course of action in response to the override request.

9. Fillable Forms

Historically, Teraview allowed importing of fillable forms at document creation. To improve document registration, Teraview is being enhanced to convert fillable forms that are attached to a document during document creation, into to “read-only” PDF format. The fillable forms for any document type, uploaded by the user, must still be in PDF format, as it is today. Some fillable forms might not be able to be converted into a “read-only” PDF format. If the conversion fails, this error message will be displayed:

“Unable to Import, PDF could not be converted to Read-Only mode.”

10. Notice of Application for Absolute Title on LTCQ PINs

The Notice of Application for Absolute Title is only relevant for LTCQ PINs. However, many such applications are incorrectly submitted for PINs that are not LTCQ. Teraview is being enhanced so that it will only allow a Notice of Application for Absolute Title to be registered on an LTCQ PIN. The following error message will now be displayed at document creation if this document type is entered on a PIN other than LTCQ:

“PIN [] is not Land Titles Conversion Qualified. The Instrument cannot be created with this PIN.”

11. Application to Amend Based on Court Order

Historically, Teraview permitted the registration of an Application to Amend Based on Court Order without specifying the applicant. The Teraview system has been updated to make the “Applicant” field mandatory for this document type.

If any documents referred to herein are a Work-in-Progress but submitted for registration after June 2nd, 2023, and any of the above messages are displayed, the proper selection will need to be completed again and the document re-signed before the document can be registered. Documents that have been returned for correction will also have to be resigned.

Original signed by

Jeffrey W. Lem
Director of Titles

Appendix A

List of Party To Descriptors blocked by the system

COB
(COB)
CARRYING BUSINESS
CARRYING BUSINESS AS
CARRYING ON BUSINESS AS
CARRYING ON BUSINESS AS (COB)
CARRYING ON BUSINESS (COB) AS

FAMILY TRUST
FAMILYTRUST

ITF
IN TRUST
IN TRUST FOR

LRSP
L.R.S.P.
LOCKED-IN RETIREMENT ACCOUNT
LOCKED-IN RETIREMENT SAVINGS PLAN

LIF
L.I.F.
LIFF
L.I.F.F.
LIFE INCOME FUND

O/A
(O/A)
OA
(OA)
OPERATING AS
OPERATING AS (O/A)

RDSP
R.D.S.P.
REGISTERED DISABILITY SAVINGS PLAN

RRIF
RIF
R.R.I.F.
R.I.F.
RETIREMENT INCOME FUND
REGISTERED INCOME FUND
REGISTERED RETIREMENT INCOME FUND

RRSP#
RRSP
R.R.S.P.
RSP
R.S.P.
FOR RRSP
FOR RRSP#
REGISTERED RETIREMENT SAVINGS PLAN
RETIREMENT SAVINGS PLAN
REGISTERED SAVINGS PLAN

SDRRSP
S.D.R.R.S.P.
SELF-DIRECTED REGISTERED RETIREMENT SAVINGS PLAN

TFSA
T.F.S.A.
TAX-FREE SAVINGS ACCOUNT

T/A
(T/A)
TRADING AS
