
Bulletin No. 2022-06 Land Titles Act, Registry Act**Date: October 27, 2022****Her Majesty the Queen and
His Majesty the King**

When the provincial government or the federal government take title directly, they are typically shown on title as either:

- “Her Majesty the Queen in right of [Canada/Ontario] as represented by [Name of Ministry or Department, etc.]” (hereinafter “HMQ”); or
- “His Majesty the King in right of [Canada/Ontario] as represented by [Name of Ministry or Department, etc.]” (hereinafter “HMK”).

The overwhelming majority of patented titles currently held by the Crown (both in right of Ontario and in right of Canada) are held by HMQ, although there are some properties acquired before 1952 that are still registered in the name of HMK (being a reference to the prior king).

From and after the passing of the Queen on September 8, 2022:

- Any PIN currently registered in the name of HMQ will remain in the name of HMQ unless changed by application (see below). There will be no administrative change from HMQ to HMK made in Teraview®.
- All properties registered in the name of HMQ are automatically vested at law in HMK upon his accession to King, even if the registered title remains nominally in the name of HMQ. No action is required to reflect the change of sovereign.
- It is expected that future transfers to the Crown will name HMK as the transferee, but any transfer made to HMQ (i.e., naming HMQ as the “party to”) will also still be certified. The registered title will reflect the exact “party to” named on the transfer (whether this is HMQ or HMK). The Land Registry Office will not, of its own accord, change the name to HMK when abstracting the ownership.
- If a PIN is registered in the name of HMQ, transfers from the Crown may be implemented in one of only two ways:
 1. A transfer made from HMQ (i.e., naming HMQ as the “party from”). This transfer may contain Statement 61 confirming that “This Transfer is being made by His Majesty the King notwithstanding that the Transferor herein is named as being Her Majesty the Queen”, but this Statement 61 is not required.

2. A transfer made from HMK (i.e., naming HMK as the “party from”) after an Application to Change Name has been submitted for registration seeking to change the name of the owner to HMK. The Application to Change Name shall recite, in Statement 1605, “This Application is made to reflect the accession of Charles III to the Crown” and does not require a statutory reference or other evidence of accession. The Application to Change Name need not be certified before a transfer from HMK, but like all prerequisite registrations, it is recommended.

For greater certainty, but without limiting the generality of the foregoing:

- A PIN Correction Request will not be accepted changing the registered ownership from HMQ to HMK.
- An Override will not be granted if the transferor is identified as HMK while the registered owner is still HMQ.
- An Application to Change Name will not be accepted for a transfer of administration from one ministry or department to another – that requires an Application to be Entered as Owner, which is a separate document type.
- Where the PIN is already in the name of HMK (for those rare pre-1952 titles from the previous King), then nothing needs to be done to then transfer from HMK since the PIN will already match HMK as registered owner.

The Covenant to Indemnify the Land Titles Assurance Fund contemplated under Section 55 of the Land Titles Act has been amended to refer to HMK. See attached.

Original signed by

Jeffrey W. Lem
Director of Titles

COVENANT TO INDEMNIFY THE LAND TITLES ASSURANCE FUND

(Section 55 of the Land Titles Act)

Land Titles Act

(Re: See Instrument to which this Covenant to Indemnify the Land Titles Assurance Fund is imported/attached)

THIS AGREEMENT made the _____ day of _____, 20____.

BETWEEN:

(set out name of covenantor)

of *(set out address of covenantor)*

- and -

HIS MAJESTY in right of Ontario

WHEREAS *(set out circumstances giving rise to the necessity for the covenant)*

The said *(set out name of covenantor)* in consideration of *(set out benefit to covenantor)*, for the covenantor, the covenantor's administrators, executors and assigns, covenants with His Majesty in right of Ontario, represented by the Director of Titles, that the said *(set out name of covenantor)*, shall keep indemnified His Majesty in right of Ontario, his successors and assigns, from and against all loss or diminution of the assurance fund under the *Land Titles Act*, or established or continued under any other Act of the Province of Ontario, in respect of any valid claim that may hereafter be made on account of the circumstances set out above and also against all costs in respect thereof and will pay such amount as anyone claiming as aforesaid may be judged to be entitled to recover in respect of the premises and costs.

IN WITNESS WHEREOF I (We), have hereunto set my (our) hand(s) and seal(s).

SIGNED, SEALED AND DELIVERED

in the presence of

(set out name of covenantor)