

## Bulletin 2024-12

## Land Titles Act

**Date: October 24, 2024**

## Homeowner Protection Act, 2024

The *Homeowner Protection Act, 2024* ("**HPA**") came into force on June 6th, 2024 and Bulletin 2024-07 was issued to provide guidance to the profession regarding changes in registration requirements for documents registered pursuant to the *Personal Property Security Act* ("**PPSA**"). This bulletin will be effective October 28, 2024, when new statements will be added to the Electronic Land Registration System for specific document types. These statements largely mirror the language set out in Bulletin 2024-07, but statements will no longer need to be manually entered. Until October 28, 2024, Bulletin 2024-07 may be used for all work in progress.

### **Notice of Security Interest ("NOSI")**

NOSIs in respect of collateral that is consumer goods may no longer be registered in the Land Registry. All electronically registered NOSIs must include the following law statement confirming compliance with subsection 54 (1.1) and 54 (1) of the PPSA.

Mandatory law statement 3768 set out below must be selected:

**I (name), solicitor, make the following law statement. This notice of security interest does not relate to collateral that is consumer goods and may be registered pursuant to s. 54 of the Personal Property Security Act.**

All other requirements and procedures with respect to the registration of NOSIs remain unchanged.

## **Application to Delete a NOSI in the Land Titles System**

NOSIs in respect of collateral that is consumer goods may be deleted by a registered application. Applications in Land Titles must use the Application to Amend the Register document type. The applicant must be the registered owner or the chargee in possession.

One application may be used to delete one NOSI and all related registered assignments and/or extensions of that particular NOSI. One owner or chargee in possession may be the Applicant even if there are multiple registered owners or chargees.

The applicant must specify that the application is being made pursuant to s. 75 of the *Land Titles Act* to delete the NOSI and related assignments and/or extensions thereof. All documents to be deleted must be identified by instrument number.

Statement 3769 must be selected. It reads as follows:

**I (name), solicitor for the applicant, make the following law statement. The notice of security interest registered as (instrument no.) is in respect of collateral that is consumer goods. It has been deemed to have expired pursuant to s. 54(7) of the Personal Property Security Act.**

The lawyer who makes the law statement must be the same lawyer who submits the document for registration.

### **Expired NOSIs**

A NOSI that has an expiry date that has passed and has not been extended by registration of a notice of extension, may be deleted by an application without a law statement, as set out in Bulletin 2022-04. An expired NOSI may not be deleted as a PIN Correction request.

## **Transfer under Power of Sale/Application for Foreclosure**

There may be instances where a NOSI in respect to collateral that is consumer goods was registered subsequent to a charge and the charge is now in default. As the consumer NOSI is deemed expired by the HPA, clients may select the following optional law statement 3770 in a Transfer under Power of Sale or Application for Foreclosure to have the instrument deleted.

**I (name), solicitor for the chargee, make the following law statement. The notice of security interest registered as (instrument no.) is in respect of collateral that is consumer goods. It has been deemed to have expired pursuant to s. 54(7) of the Personal Property Security Act.**

## **Amendments, Extensions and Assignments**

As consumer NOSIs have been deemed expired by the HPA, extensions (which would otherwise be registered as s. 71 Notices), as well as assignments of consumer NOSIs, should not be registered. Consumer NOSIs may also not be amended by the registration of a s. 71 Notice.

## **Discharges**

NOSIs may be discharged using the Discharge of An Interest document type. There are no changes to the registration requirements for NOSIs.

To the extent of any conflict, this bulletin replaces Bulletin 2024-07.

**(Original signed by)**

**Rebecca Hockridge  
Director of Titles**