

Bulletin 2025-08

Land Titles Act

Date: September 15, 2025

S. 71 Notices

Introduction

Section 71 of the Land Titles Act ("**LTA**") facilitates the protection of unregistered estates, rights, interests or equities through the registration of notices, cautions, inhibitions or other restrictions. This bulletin will deal only with notices. To register a notice pursuant to s. 71 the notice must either be:

- authorized by the LTA itself, or
- approved by the Director of Titles.

1. Notices Authorized by the Land Titles Act

For a list of notices authorized by a provision of the LTA, see Schedule A to this bulletin. Specific document types are available for almost all notices specifically authorized by the LTA. For those notices that have their own document type, refer to the Electronic Registration Procedures Guide for more information.

2. Notices Approved by the Director of Titles

Most notices approved by the Director are notices of agreements which purport to create or otherwise deal with estates, rights or interests in land. Agreements and notices which may be registered pursuant to a specific provision of other legislation are also approved by the Director of Titles to be registered as Notices, provided they meet certain registration requirements.

3. Non-statutory Notices Approved by the Director of Titles

The following notices are approved by the Director of Titles. They are to be registered using the Notice document type unless a specific document type is available. For documents marked with an asterisk see additional information in the Registration Requirements for Specific Approved Non-Statutory Notices Section of this bulletin. For notices with their own document type, refer to the Electronic Registration Procedures Guide for more information.

Type of Notice	Specific Document Type Available
Notice of Change of Address for Service - instrument	Yes
Notice of Change of Address for Service - owner	Yes
Notice of Option to Purchase	Yes
Notice of Assignment of Rents - General	Yes
Notice of Assignment of Rents - Specific	Yes
Notice of Right of First Refusal	No
Notice of Vendor Lien (for HST Rebates Only)*	No
Notice of an Agreement which purports to grant an easement *	No
Notice of Encroachment Agreement	No
Notice of Agreement Amending Charge*	No
Notice of Non-Disturbance Agreement*	No
Notice of Mining Royalty Agreement*	No
Notice of a Postponement of Execution to a Charge	No
Notice of Life Lease (may also be registered using Notice of Lease)*	No
Notice of Occupancy Agreement (in relation to condominium interim occupancy period or occupation of unit in a non-profit housing co-operative)*	No
Notice of Shared Facilities Agreement (and the following similar agreements: Reciprocal Agreements, Joint Use Agreements, Common Elements Agreements, Common Wall Agreements and Party Wall Agreements)*	No

- An otherwise unregistrable notice does not become registrable by virtue of inclusion of language in the attached agreement or schedule that states it is to be registered on title or the parties agree to register it on title.

General Registration Requirements for Approved Non-Statutory Notices

The following requirements apply to all approved non-statutory notices registered using the Notice document type.

- Statement 61 must be included identifying the type of approved non-statutory notice (e.g. "The attached Tieback Agreement is an approved notice type, being an agreement in which easements are granted." or "This notice is an approved notice, being a notice of a Shared Facilities Agreement.")
- If the estate, right or interest is based on an agreement, the current registered owner must be a party to the agreement or the consent of the current registered owner must be included in statement 62. If the parties to the agreement are numerous, a law statement confirming that the owners of the properties against which the notice is being registered are parties to the agreement may be required.
- A notice based on an agreement must have the agreement attached unless the requirements in Section 5 of this bulletin are complied with.
- The entire document must be legible.
- Hyperlinks, colour, photographs and copyrighted material may not be used or attached.
- Copies of registered instruments, parcel registers or registered plans may not be attached to notices.
- A notice may not purport to charge or transfer lands.

- An agreement that is otherwise not approved may not be registered as security for the repayment of a debt (e.g. promissory notices, loan commitments, security agreements).
- An agreement that is otherwise not approved may not be registered solely because it provides the right to call for a charge. If an agreement provides for the right to call for a charge, arrangements must be made to obtain authorization for and register a charge.
- An agreement in which a party(ies) only assume obligations is not title related and may not be registered.
- An agreement which only releases a party(ies) from a covenant is not title related and may not be registered.
- A licence is not an interest in land and accordingly a licence agreement may not be registered.
- Environmental warnings and restrictions are not title related and will not be accepted in non-statutory notices (with the exception of terms and conditions of an environmental nature set out in a lease (See Bulletin 2009-04)).

Registration Requirements for Specific Approved Non-Statutory Notices.

Certain approved non-statutory notices have additional unique requirements. The following includes more common specific requirements. This section is not exhaustive and additional requirements may apply.

Easement Agreements

Easements may be registered in the land titles system in a variety of ways. If an easement is registered by registering notice of an agreement purporting to create an easement, the easement will not be reflected in the property description of the dominant or servient lands. While a Transfer of Easement may often be preferred, as its use will result in the easement being reflected in the property description field,

Bulletin 2025-08 Section 71 Notices

the registration of notice of an agreement creating an easement is also a permissible procedure for registering an easement. The easement created by the agreement must conform to the legal requirements for the creation of an easement (e.g. requirement for a dominant and servient tenement, registrable legal description etc.).

Notice of Agreement Amending Charge

An agreement amending the terms of a registered charge may be registered as a notice (e.g. amending principal, interest rate, date of payments or other charge terms). However, an amending agreement purporting to charge additional lands may not be registered unless a charge is first registered against those additional lands. An agreement removing lands may not be registered. A discharge against part of the lands would be used in these circumstances. An agreement amending the chargor or the chargee is not registrable. If the chargee is being altered, the appropriate document would be a transfer of charge or an Application to Change Name - Instrument (if the chargee has changed its name). Agreements setting out how lenders will share repayment (e.g. pari-passu agreement) and agreements adding or removing a guarantor are not title related and may not be registered.

Notice of Vendor's Lien (for HST Rebates Only)

Notices of vendor's liens are only approved in situations in which the following law statement is appropriate and included in Statement 62:

The registered owner declared that they were entitled to an HST Rebate of \$_____ in connection with the purchase price for the Transfer registered as Instrument No. _____, and has assigned such HST Rebate to the Applicant as part of the payment of the said purchase price. There is reasonable evidence to suggest that the registered owner has been, or will be, disqualified from receiving such HST Rebate and that, as a result, there will be an unpaid balance of the purchase price under the transfer. This Notice relates to a vendor's lien in respect of such unpaid balance of the purchase price, together with the costs of enforcement in respect thereof. The land registrar is authorized to delete this Notice upon the expiration of one year from the date of registration of this Notice.

A second notice of vendor's lien may be registered prior to the expiration of the initial notices in situations in which the law statement above is appropriate and included in Statement 62. A second notice will require the statement above plus the addition of the following text to be entered into Statement 62.

I further state that this is an extension of the Notice of Vendors' Lien originally registered as Instrument No. _____, and this second Notice has been registered prior to the expiration of that original Notice.

A third notice in respect of the same vendor's lien is not approved.

Note that this approval (with appropriate modifications to the statements) extends to the proposed federal first-time home buyer's GST rebate, if implemented.

Notice of Mining Royalty Agreement

Depending on the circumstances, royalties may or may not constitute interests in land. To register a Notice in respect of a Mining Royalty Agreement the following law statement must be appropriate and included in Statement 62.

The parties confirm that the royalty interests described in this agreement are intended to be treated as interests in real property for all purposes and, therefore, constitute an estate, right, interest or equity in registered land within the meaning of Section 71 of the Land Titles Act.

Notice of Life Lease

A notice of a life lease may be registered using a Notice of Lease document type under s. 111 of the Land Titles Act or a Notice under s. 71. Registration under s. 111 will allow other notice document types relating to leases to be used (e.g. Notice of Charge of Lease). Section 111 notice of lease document types cannot be created by sourcing a Notice. A Notice may still be used to register a life lease. The following law statement 3880 must be included:

I, Name_____, solicitor for the _____[enter "Applicant" or "Registered owner"]], confirm that this document effects an interest in the land.

Notice of Occupancy Agreement

An agreement which provides for occupancy of a specific unit/parcel, but which does not constitute a lease, is normally not title related and cannot be registered. In two cases, an occupancy agreement associated with an ownership interest is approved for registration. The first is notice of an agreement which provides rights and obligations in connection with occupation of a purchaser's condominium unit during the interim occupancy period. The second is an agreement with respect to occupancy of a specific unit by a part owner in a non-profit housing co-operative.

Notice of Non-Disturbance Agreement

The following law statement 3880 must be included:

I, Name_____, solicitor for the _____[enter "Applicant" or "Registered owner"]], confirm that this document effects an interest in the land.

Any postponement of rights contained in a Non-Disturbance Agreement will not be acknowledged on the register or given effect.

Notice of Shared Facilities Agreement

This type of agreement may also be referred to as a Reciprocal Agreement, Joint Use Agreement, Cost Sharing Agreement, Common Wall Agreement, Party Wall Agreement or Common Elements Agreement and allows two or more properties to share access to and the costs of maintaining common infrastructure (e.g. shared recreational facilities, parking, shared HVAC infrastructure, a party wall, etc.). They are drafted to provide that the benefits and burdens will run with the land and bind any future owners. They may contain a combination of easements, restrictions and positive covenants. They may provide for a charge for unpaid contributions. They are common in mixed-use urban projects and condominium projects. To register a

Notice of this type of agreement, the following law statement 3880 must be included:

I, Name_____, solicitor for the _____[enter "Applicant" or "Registered owner"], confirm that this document effects an interest in the land.

This type of agreement must be registered against all land affected by the agreement. The agreement may be a self-to-self agreement. Note that registration of any agreement does not guarantee the validity or effectiveness of the agreement. In the event that s. 21.1 of the *Condominium Act, 1998*, is proclaimed in force these types of agreements will be provided for by statute in respect of condominiums.

Best Practices Regarding Non-Statutory Notices

- Parties should consider registration requirements when drafting agreements to ensure that the agreement, as executed, will be registrable (e.g. do not include copyrighted material, colour or photographs in schedules)
- Parties should consider that the Land Registry is public and agreements cannot be redacted for the purposes of registration.
- Parties may consider the option of a s. 118 restriction to help ensure performance or protect interests in unregistrable agreements (e.g. transfer payment agreements, unregistrable municipal agreements). In the case of a s. 118 restriction, the agreement would not be attached or referenced in the instrument.
- Whenever possible statements providing for the deletion of the notice on an expiry date, on the deletion of another registered instrument or with the consent of a named party should be included to facilitate ultimate removal of notices. For more information on deletion of notices see Section 7 of this bulletin.

4. Statutory Notices Approved by the Director

Many statutes, other than the LTA, provide for the registration of notices, agreements or other documents. If another statute specifically provides that an agreement or notice may be registered, registration of a notice is approved by the Director pursuant to s. 71 unless a more appropriate document type exists. If a statute specifically provides for another type of document to be registered and there is no other appropriate form, a notice may be registered in accordance with this bulletin. The following is a list of notices that are approved for registration under s. 71 and a reference to the statutory authorities that provide for their registration. This list is not exhaustive. It may not contain all notices that may be registered pursuant to legislation pertaining to specific municipalities.

Notice Description	Statutory Authority
Community Improvement Agreement	Planning Act s. 28 (7) & 28 (10)
Notice of Demolition Permit Conditions and Liens	Planning Act s. 33 (7)
Affordable Housing Agreement	Planning Act s. 35.2 (2) (i)
Increased Density Agreement	Planning Act s. 37 (7.1)
Site Plan Agreement	Planning Act ss. 41 (7) (c) or (c.1) & 41 (8) (b),
Site plan control and inclusionary zoning agreement	Planning Act ss. 47 (4.3) (b) or 47 (4.13)
Development Agreement (Minister ordered)	Planning Act s. 49.2 (1)
Minor Variance Agreement	Planning Act s. 45 (9.1)
Subdivision Agreement (Separate Document Type. See Electronic Registration Procedures Guide)	Planning Act s. 51 (26) & 51 (27)
Severance Consent Agreement	Planning Act s. 53 (12) & 55 (4)
Limiting Distance Agreement	Building Code (O. Reg. 332/12) s. 3.2.3.1 (11) and 9.10.14.2. (4) and 9.10.15.2. (4)
Notice of Designation	Building Transit Faster Act s. 62 (3) (b)
Notice of Restrictions related to registered Agreement	City of Toronto Act s. 453.1(8)
Conservation Land Act Agreement	Conservation Land Act s. 3(2)

Agreement re: Modification of Common Elements by Owner	Condominium Act, 1998 s. 98 (3)
Notice of Change of Address for Service – condominium (Separate document type. See Electronic Registration Procedures Guide)	Condominium Act, 1998 s. 108
Mutual Agreement re: Drainage Works (must be registered against all affected lands)	Drainage Act s. 2 (1)
Notice Re: validity of DRAPA covenants and easements	Duffins Rouge Agricultural Preserve Act, 2023, s. 2(2)
Notice of Intended Order to Cancel Encumbrances	Forfeited Corporate Property Act, 2015, s. 21(2)
Notice of Intended Crown Use	Forfeited Corporate Property Act, 2015, s. 24
Notice of Security Interest (separate document type. See Bulletins 2024-07 and 2024-12)	Personal Property Security Act s. 54
Notice of Tax Arrears	Provincial Land Tax Act s. 15
Agreement Re: Compensation	Industrial and Mining Lands Compensation Act s. 3

General Registration Requirements for Approved Statutory Notices

- If a notice is registered on the basis that a statute provides for its registration, a reference to the statutory authority must be provided in a Statement 61 in the notice document (For example, "The attached Affordable Housing Agreement was made pursuant to s. 35.2 (2) (i) of the *Planning Act*").
- A notice of an agreement must have the agreement attached unless the requirements in Section 5 are met.
- Hyperlinks, colour, photographs and copyrighted material may not be used or attached.

- Copies of registered instruments, parcel registers, authorizing bylaws or registered plans may not be attached.
- If an agreement has sketches attached which are illegible when reduced and a municipality or condominium corporation is a party to the agreement, the agreement may be accepted if a statement is included providing a location at which the document may be viewed in its entirety. This exception only applies to municipalities and condominium corporations.

5. Registration of Notice of Agreement without Agreement Attached

A Notice of an Agreement must have the agreement attached unless the following requirements are met:

- A statement must be included identifying the type of approved agreement, the names of the parties and the date of the agreement.
- Any requirement that would apply if the agreement were attached also applies if the agreement is not attached (e.g. requirement for specific law statements)
- Statement 2604 is required:

2604 The applicant is prepared to produce the document for inspection within fourteen (14) days of the request and the applicant consents to the cancellation of the document on presentation of proof satisfactory to the Land Registrar that the document was not produced upon request.

NOTE: If the agreement is not attached to a notice, no notice of the terms of the agreement will be on title. Further, many statutes provide that an agreement will be binding on successors in title when "the agreement" is registered. The agreement is not considered registered under the LTA if it is not attached to the notice.

If applicants elect to register a notice of an agreement without the agreement attached, they must ensure that their address for service remains up to date by
Bulletin 2025-08 Section 71 Notices

registering a Notice of Change of Address for Service – Instrument. Failure to update the address for service or respond to a request for production within 14 days may result in the deletion of the notice.

To delete a notice for non-production, an Application to Amend the Register must be registered. It must include a law statement confirming that the request was delivered to the Applicant named on the Notice at their address for service and was not produced within 14 days. The Application must include proof of delivery of the request to produce the agreement and a covenant to indemnify the Land Titles Assurance Fund.

6. Registration using Land Registration Reform Act form if direct electronic transmission is not possible.

The only circumstances in which Land Registration Reform Act – Document General – Form 4 would be used for a s. 71 Notice is if the Electronic Land Registration System is not capable of receiving the document by direct electronic transmission. This can occur if the number of parcels against which the notice is being registered exceeds system limits. To register a s. 71 Notice using a Form 4, the Nature of Document (field (4) should be indicated as “Notice – S. 71 of the Land Titles Act”. All statements that would be required in an electronic document are required to be incorporated into the Document General – Form 4. Any required law statements must be made by the lawyer who is submitting the document for registration.

Section 71 Notices can not be registered against properties registered under the *Registry Act* because the LTA does not apply to these properties.

7. Deletion of S. 71 Notices

Expiry of Notice

When a notice is registered, applicants have the following expiry statement options. One must be selected:

3545	This notice may be deleted by the Land Registrar after yyyyymmdd.
3546	This notice may be deleted by the Land Registrar when the registered instrument, <u>number</u> to which the notice relates is deleted.
3548	The Land Registrar is authorized to delete the notice on the consent of the following party(ies) <u>parties' name(s)</u> .
3547	This notice is for an indeterminate period.

Careful consideration should be given to the selection of the appropriate statement, as there are significant impacts to the process for eventual deletion. Whenever possible 3545, 3546 or 3548 should be included in the initial registration to facilitate deletion.

If 3547 is included, the only method for removing the notice would be by Court Order or by an Application General with the required law statement confirming that the consent of all parties benefiting from the agreement/notice has been obtained. A statement (law or otherwise) that the agreement has been complied with, completed, expired or terminated will not be accepted as sufficient to delete the notice.

Deletion of Non-Statutory Notices

The following Notices may be deleted by a Discharge of An Interest document type:

Notice of Vendor Lien (for HST Rebates Only)	May be deleted by the lien claimant
Notice of a Postponement of Execution to a Charge	May be deleted by the execution creditor
Notice of Lodgment of Titles*	May be deleted by the lodgement holder
Notice of Lease of Chattels*	May be deleted by lessor of the chattel

*these notices are no longer approved for registration, but outstanding notices may need to be removed.

The following statement is programmed to form part of the Discharge of An Interest document type:

This discharge discharges the interest in the selected instrument(s).

If the Notice cannot be sourced into a Discharge of An Interest or if multiple parties are required to delete the notice, an Application General should be used. All other non-statutory and statutory notices must be deleted by using an Application General (or PIN Correction if applicable).

Similar to a Discharge of Charge, if the party entitled to discharge an interest has changed its name, a separate Application Change Name – Instrument would not be required for the discharge. The evidence that would be required for an Application Change Name – Instrument may be included in the Discharge of An Interest. However, if the Notice will be further dealt with (for example if an amending agreement is being registered) an Application Change Name – Instrument would be required.

Expired Notices and Notices that may be deleted on the deletion of a specified instrument (Statement 3545 or 3546)

If the Notice states that it may be deleted by the Land Registrar after a specified date (Statement 3545), or upon the deletion of a related instrument (Statement 3546), an Application to Amend the Register may be registered to delete the Notice after that date has passed or that instrument has been deleted. Alternatively, a PIN Correction Request can be submitted and will be processed in order of submission in the PIN Correction Request Queue.

Deletion of Notices on the consent of a specified party(ies) (Statement 3548)

If a document contains Statement 3548, specifying that the Land Registrar may delete the Notice with the consent of a named individual(s)/entity(ies), an Application General may be used to delete the Notice.

If the Application General is being submitted by the Registered Owner or one of many parties whose consent is required, the following law statement must be included in Statement 62:

"The Notice registered as [enter Instrument No.] provides that it may be deleted on the consent of a specified party(ies). All required consents have been obtained."

If the person(s)/entity(ies) named in Statement 3548 is submitting the application the following law statement must be included in Statement 62:

"The Notice registered as [enter Instrument No.] provides that it may be deleted on the consent of this/these Applicant(s). The Applicant(s) is/are the only party(ies) whose consent is required and he/she/they/it consent(s) to the deletion of this instrument."

These statements must be law statements. There is one exception and that is for municipalities applying to delete a subdivision or site plan agreement. Law statements must be made by municipalities when deleting other notice types (e.g. Notice of Limiting Distance Agreement).

Deletion of Notices Registered for an Indeterminate Period (Statement 3547)

To delete a Notice registered for an indeterminate period, there are only two options. The first is a Court Order ordering the deletion of the Notice with reference to the Instrument No. and the legal description and PINs from which the Notice must be deleted.

The second option is by Application General containing the following law statement entered into Statement 62:

"The consent or release of the party, or all parties if applicable, enjoying a benefit under the agreement has been obtained."

This statement must be used regardless of whether there is one party who benefits under the agreement or many. It must be used whether a benefitting party is the registrant or a registered owner is the registrant.

These statements must be law statements. There is one exception and that is for municipalities applying to delete a subdivision or site plan agreement. Law statements must be made by municipalities when deleting other notice types (e.g. Notice of Limiting Distance Agreement).

This bulletin does not invalidate any previously registered Notices, as they were compliant with requirements in force at the time of their registration.

This bulletin is effective on September 30, 2025. As of the same date, Bulletin 96001 is revoked in its entirety including the option of registering a notice in the form contained in Appendix A therein.

If any Notice - Section 71 document is registered before the evening of September 29th and returned for correction after this bulletin is in effect, the optional statement 2604 will appear as a statement that can be selected.

Any signed Notices that are in Work in Progress before the release, will have statement 2604 and 3880, available for selection after the date the bulletin is in effect.

(original signed by)

**Rebecca Hockridge
Director of Titles**

Schedule A

Notices Authorized by the Land Titles Act

Notice Type	Specific Document Type Available	Enabling Section of LTA
Notice of Lease	Yes	S. 111
Notice of Sublease	Yes	S. 111
Notice of Assignment of Lessor Interest in Lease	Yes	S. 111
Notice of Assignment of Lessee Interest in Lease	Yes	S. 111
Notice of Charge of Lease	Yes	S. 111
Notice of Determination/Surrender of Lease	Yes	S. 111
Notice of Oil and Gas Leases	Yes	S. 111
Notice of Life Lease	No – Use Notice of Lease or s. 71 notice	S. 111
Notice of Application for First Registration	Yes	Regulation 690, Subsection 3(2)
Notice re Estate in Dower	No - Contact the Director of Titles' Office before submitting registration.	s. 119.1
Notice of Agreement for Sale of Standing Timber	No - S. 71 Notice document type to be used.	s. 135