

LAND TITLES CONVERSION QUALIFIED (LTCQ) TO LAND TITLES ABSOLUTE PLUS (LT+)

CHECKLIST

This Checklist is to be used in conjunction with the Client Guide – Application for Land Titles Conversion Qualified to Land Titles Absolute Plus – dated August 2001.

I) INITIAL REVIEW OF SUBMISSION

The Application for Absolute Title (Appendix G) attached to a Form 4 (Reg. 688) – Document General must have the Certificate of the Solicitor (Appendix H) and the Certificate of the Surveyor (Appendix I) attached. The Application requests the Land Registrar to replace the qualifiers in the LTCQ parcel with those of an absolute title (see Appendix N). Prior to registration, a draft of the Application will be submitted to the Land Registry Office for review and approval. The following materials must accompany the submission:

- A full sized copy of the Property Index Map.
- Current copies of the existing Parcel Register(s) (PINs) for the subject and adjoining land.
- A draft copy of the proposed new Parcel Register(s) (PIN).
- The Notice List.
- Two copies of the draft Reference Plan.
- A duplicate registered copy of the Notice of Application with draft plan attached.
- Copies of all plans underlying and adjoining the subject lands.
- All correspondence dealing with the resolution of objections.
- Copies of the applicant's title documents and creating documents for any servient or appurtenant rights.
- A Notice of Claim and Covenant to Indemnify, if necessary (see 2.0 Making and Perfecting a Possessory Claim).
- Other material as the Director or Land Registrar may have required.

Please identify any deficiencies relating to the above items directly to the solicitor/surveyor indicating that the examination will be delayed until all items have been received. Please review all complete applications in order of receipt.

II) REVIEW OF APPLICATION

NOTICE OF APPLICATION

- Check that the Notice of Application (Notice) has been registered.
- Check that the Notice is in the required form, is dated and signed.
- Ensure the applicant's name is shown.
- Ensure the lands are described in reference to the draft plan. This description will be the one to be used in the final PIN or certificate. It should include a description of all appurtenant and servient easements.
- Ensure a copy of the draft Reference Plan is attached and it is signed by the surveyor.
- Ensure the description in the registered Notice is the same as that in the Application for Absolute Title.
- Ensure the solicitor's address is shown.

SERVICE OF NOTICE

- Examine the Property Index Map, copies of adjoining land PINs, copies of documents creating appurtenant and servient easements and check the plan to ensure that everyone who should have received notice or signed a consent and waiver have been identified, including adjacent property that touches the subject lands at only one point.

NOTE: If the Solicitor's Certificate states that the applicant's title is based on length of possession, ensure that the plan has a separate Part for the lands adversely possessed and notice was sent to the **registered owner and any mortgagee/chargee** of those lands.

- Ensure the names on the registered mail receipts or in the consent and waivers match the names in the adjoining land PINs or abstract and shown on the Property Index Map.
- If notice was served by registered mail, check the returned envelopes to ensure they were unclaimed. If returned "unknown", consult with the Land Registrar or Regional Surveyor.
- Ensure any consent and waivers are in the prescribed form (Appendix C) and they have a copy of the draft plan attached that is signed or initialled by the consenting party.

Check the PINs or instrument numbers of adjoining lands, shown on the Block Index Map showing the applicant's lands, with the copies of PINs or the Solicitor's abstract. Note any inconsistencies and bring them to the solicitor's and surveyor's attention, for correction prior to the plan being deposited.

NOTE: If adverse possession is an issue, the submission should contain a bond or a covenant to indemnify the fund, being Form 54 Reg. 690. The plan must also have an additional separate Part showing the lands being adversely possessed and notice must be served on the registered **owner** and **any mortgagee/chargee** of the lands being dispossessed. A letter must be included with the Notice explaining the claim and outlining the evidence in support of the claim.

APPENDIX H - CERTIFICATE OF SOLICITOR

- Ensure the PIN is at the top of the Certificate.
- Check that the Certificate is in the required form and is dated and signed.
- Verify that the applicant's name is the same as on the Registered Notice of Application.
- Check that the registration date and number of the Notice of Application are included in item 5.

APPENDIX I - CERTIFICATE OF SURVEYOR

- Ensure the registration number of the Notice of Application and the PIN is at the top of the Certificate.
- Check that the Certificate is in the required form is dated and signed.
- Verify that the applicant's name is the same as on the Registered Notice of Application.
- Compare item 4 of this Certificate (occupation of the land) with item 2 in the Solicitor's Certificate to ensure they are consistent.
- Review the exceptions listed in item 3 of the Certificate (adverse rights) to ensure that they are consistent with the Application.
- Ensure the form is signed by the same surveyor who signed the draft plan and is dated **after** the registration of the Notice of Application.

PARCEL REGISTER – P.I.N.

- Match the copy of the Applicant's Parcel Register (PIN) against the draft copy of the proposed new PIN to ensure that all encumbrances are brought forward.

DRAFT APPLICATION

- Check the applicant deed(s) with the Parcel Register (PIN) and draft Application for spelling and tenancy of owners.
- Ensure that the geographic description shown on the Parcel Register and the draft Application is consistent with the description in the registered Notice of Application and the draft reference plan.
- With respect to easements, if the thumbnail description in the draft copy of the proposed PIN uses an instrument that differs from the existing PIN a written explanation from the solicitor should accompany the submission.

THE DRAFT PLAN

- Check the format of the plan using the standard Land Titles Reference Plan Checklist.
- Verify that the geographic description in the draft PIN matches the description in the plan title.
- Where there are easements, verify that the schedule and face of the plan quote the registration numbers of the documents shown on the proposed PIN. If not, a written explanation from the surveyor should accompany the submission.
- Check the plan title and any easements illustrated on the plan, plan schedule (Part/parcel correlation) and the face of the plan against the description provided in the Draft PIN for consistency.

NOTE: The draft Reference Plan is not to be deposited until the application for absolute title is ready for registration.