



**Ministry of Government
and Consumer Services**

ServiceOntario

**Regulatory Services
Branch**

Bulletin No. 2017-02

Land Titles Act

Registry Act

**Family Responsibility
and Support Arrears
Enforcement Act, 1996**

DATE: MAY 4, 2017

Support Orders

Introduction

The Family Responsibility and Support Arrears Enforcement Act, 1996 (FRSAEA) came into force on May 12, 1997. Section 42 of the FRSAEA permits a support order, as defined by subsection 1(1) of the Act, to be registered against the land of a person against whom an obligation to pay support monies under the order is enforceable in Ontario. Upon registration, the support order becomes a charge on the property, and may be enforced by sale in the same manner as a sale to realize on a mortgage. A similar provision existed in preceding legislation under the Family Support Plan Act (in effect March 1, 1992) and the Support and Custody Orders Enforcement Act (in effect July 2, 1987).

The definition of “support order” in the FRSAEA includes a notice of calculation that is enforceable under section 39 of the Family Law Act, and a support provision in a domestic contract (Domestic Contract is defined under the Family Law Act as a marriage contract, cohabitation agreement, separation agreement, paternity agreement, or family arbitration agreement) that are enforceable under section 35 of the Family Law Act. Domestic contracts are all deemed to be support orders when filed with the court and may thereafter also be filed with the Family Responsibility Office for enforcement.

Also, support orders can be made by a court outside Ontario providing for support payments which are enforceable in Ontario in accordance with the provisions of the Interjurisdictional Support Orders Act and the Divorce Act.

A temporary or final support order made by an Ontario court is filed automatically by the clerk or registrar with the Director, Family Responsibility Office (“Director”). Unless the support order is withdrawn from the Director’s Office by filing a Notice of Withdrawal under section 16 of FRSAEA, the order is enforced by the Family Responsibility Office. Similarly, notice of calculations and domestic contracts (i.e. marriage contracts, cohabitation agreements, separation agreements, paternity agreements, or family arbitration agreements) which have been filed with the Family Responsibility Office will be enforced by the Director unless they are withdrawn in the same manner. A support

order made by a court outside Ontario and filed with the Family Responsibility Office will also be enforced by the Director's Office unless it is withdrawn in the same manner.

Land Registration Requirements

Support Order

Land Titles Act:

A support order filed with the Director's Office and not withdrawn is enforced by the Director. In this case the Director may register the order by way of an Application General electronic document type with the order attached. This will be supported by a statement that the registration is pursuant to section 42 of the FRSAEA and it contains support provisions and is a charge against the interest in the lands described.

A support order not filed in the Director's Office, or filed and subsequently withdrawn, may be enforced by the person entitled to support. This order is to be registered as an Application To Register Court Order electronic document type with the order attached. If the order is being registered pursuant to section 42 of FRSAEA and contains support provisions and is a charge against the interest in the lands described, this must be indicated in statement 3721. However, if the order is not being registered pursuant to section 42 of FRSAEA, it may be registered as an order with respect to the land in question.

Where a support order which has become a charge on a property is being enforced by way of sale, the sale may be carried out in all cases, by the Director, Family Responsibility Office, or if the order is not registered with the Family Responsibility Office, by the person entitled to support under the order.

Registry Act:

A support order may be registered by way of a Document General form.

Discharge and Postponement:

With respect to the discharge or postponement of a support order which has become a charge against property, the discharge or postponement may be given:

- a) by the Director's Office if the order is registered with the Family Responsibility Office, and the section 42 FRSAEA application was registered by that office.
- b) by court order pursuant to subsection 42(3) of the FRSAEA;
- c) i) by the person entitled to support if the section 42 FRSAEA charge was registered by the person entitled to support and the Director's Office consents where the order is also registered for enforcement with the Family Responsibility Office.

ii) where the section 42 FRSAEA charge was registered by the person entitled to support and the order is not registered for enforcement with the Family Responsibility Office, the consent of the Director is not required. A letter is required from the Family Responsibility Office confirming the order is not registered with that office. This letter is to be attached to the discharge or postponement.

Land Titles Act:

To discharge a support order that has become a charge, a Discharge of Interest electronic document type is required as Teraview will not accept an Application General as a source instrument in a Discharge of Charge.

To postpone a support order that has become a charge, a Postponement of Interest electronic document type is required.

Registry Act:

In order to discharge a support order, a Discharge of Charge/Mortgage form or a Document General form may be used. To postpone a support order, a Document General form may be used.

Pursuant to subsection 3(2) of the FRSAEA, an enforcement officer may act for the Director in his or her name. An enforcement officer may, therefore, execute any document for the Director.

This Bulletin supersedes and revokes Bulletin 87008.



Jeffrey W. Lem
Director of Titles

