
Bulletin No. 2018-02**Land Titles Act
Land Registration
Reform Act****Date: February 20, 2018****Unintentionally
Registering a Document
“Subject to Writs”**

Background

There is a recurring problem where documents are unintentionally registered as “Subject To” writs of execution.

The situation occurs when, in preparation of an upcoming registration, a writ of execution search is completed by the registrant and identifies existing writs of execution that can be cleared by one of the writ clearance statements available in the document. This occurs most often in Transfers; however, it is possible in any document when writs of execution are automatically searched by the system. When creating the electronic Transfer, for example, the registrant manually enters the details of the writ on the Writ tab in the Teraview Transfer and selects the appropriate statement. The rest of the document is completed and signed.

On the scheduled closing day, the registrant submits the document for registration. Teraview completes an automatic search for writs of execution on certain documents at the time the documents are submitted for registration. When writs of execution are found, the system looks to see if they are dealt with in the Writs tab. If the manually entered writ information differs in any way from the information in the Ministry of Attorney General’s Writs of Execution database, the system will not recognize that it is the same writ. The system then removes the manually entered writ number and writ details and replaces it with the writ number and writ details retrieved by the system. The clearing statement selected for the manually entered writ number and writ details will also be removed and the system will default to “Subject To” for the system retrieved writ number and details. The registrant is provided a warning message indicating that the instrument will be “Subject To” writs of execution. If the Registrant selects “OK” to continue with the submission, the result is the document will be registered as “Subject To” the writ(s) of execution.

Reminder of Appropriate Procedures

There are two simple methods to avoid having a document registered as “Subject To”. The first is, instead of selecting “OK” when the warning message appears, select “Cancel”, return to the Writs tab for each party with writs of execution and ensure an appropriate statement is selected for every writ of execution identified in the tab.

The other method is to use the ‘Retrieve Writs’ feature in Teraview during document creation to complete the pre-closing writ search (instead of manually entering the details of the writ on the Writ tab). The system will fill in the writ details and the appropriate statement can be selected at any time.

Documents unintentionally registered “Subject to Writs”

Documents registered unintentionally ‘Subject to Writs’ will not be returned for correction, if otherwise certifiable. Title can be rectified with the registration of an Application to Delete Execution.

Teraview newsletters were issued December 2002, September 2005 and, most recently, October 2016 (see Newsletter Number 16-29) detailing these appropriate procedures.

(original signed by)

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