

Guide for the

Application for authorization

To submit documents for registration in the Electronic Land Registration System

Please call ServiceOntario at (416) 314-3138 or 1-866-262-8135

Read these important notes before completing the application

General information

There is no fee for making this application for authorization.

Access to the Electronic Land Registration System (“ELRS”), to submit documents for registration, requires the following two steps:

1. Setting up a Teraview account (see Teranet website for further information), and obtaining a personal security licence for each individual wishing to use the account to register documents; and
2. Authorization by the Director of Land Registration.

Note: If you wish to have access to the ELRS only for the purposes of searching the land registration records, you do not need to apply for authorization from the Director of Land Registration.

If the applicant is not yet a teraview account holder, they must contact Teranet and obtain access to the ELRS prior to submitting their application to the ministry. These new Account Holders will be granted access to the ELRS for search-only purposes, until they receive authorization from the Director of Land Registration.

The applicant shall be the teraview account holder, not the individual who holds a Personal Security Licence (“PSL”) and uses the ELRS to submit documents for registration under that account (the “User”).

If, following application, ServiceOntario advises that authorization has not been granted, the Applicant/Account Holder will be provided with information regarding the process for review of the decision of the Director of Land Registration.

Written requests for review must be filed with ServiceOntario within 30 days of the date of the decision. During the review process, access to the ELRS will continue on a search-only basis. **If no written request for review is made within 30 days of the Director’s decision, access to the ELRS under the applicant’s Teraview account will continue to be authorized on a search-only basis.**

If the applicant applied for authorization for the purpose of submitting documents for registration in the ELRS but has not received authorization, and does not require access on a search-only basis, the applicant may be eligible for a refund of licencing fees paid. Further information regarding this process is available on the Teraview website.

Application procedure

Applications can be submitted by email, mail, or in person at any Land Registry Office (See [website](#) for location of centres)

If you are submitting by mail or email, please send:

Attn: Director of Land Registration, ServiceOntario

Email: ELRSAuthorization@ontario.ca

Mail: Electronic Land Registration System Authorization, 20 Dundas Street West, 4th Floor, Toronto, ON M5G 2C2

If the applicant is a firm, partnership, limited liability partnership,

corporation, professional corporation, multi-discipline practice or government body, an individual must be appointed by the Applicant as the Account Holder Representative. This is the individual who will attend in person with the Application, and who will sign the Application and Agreement on the Applicant's behalf. An Applicant that is a sole proprietor is not required to appoint an Account Holder Representative, but *may* choose to do so.

The person attending must present two pieces of Identification – see *the list of acceptable I.D. on page 4 of this Guide*.

The application for authorization consists of:

- o **Part One: Application**, and
- o **Part Two: Registration Agreement**

Both parts are required to be completed.

Please ensure that all required information is inserted in the spaces provided, and all required documentation is attached. The application may be returned if it is not fully completed, or is completed improperly.

The applicant/account holder will be notified of the decision of the director of land registration and Teranet will be advised to do one of the following:

- ▶ **If application by a new Teraview account holder is approved:**
 - Change access to allow registration.
- ▶ **If application is not approved:**
 - Leave/put access on a search-only basis, pending review process; or
- ▶ **If 30 days has passed since the date of decision and no request for review is filed, or if the review process has confirmed the decision:**
 - Continue access on a search-only basis.

If submitting in person at a land registry office:

Do not sign the application or registration agreement before they are submitted. **ServiceOntario staff will check the documents before signing.** All other information may be filled out in advance by the Account Holder.

ServiceOntario staff will forward all documents in a secure manner to the central office in Toronto for processing. If the office requires clarification or further information or documentation, the Applicant (or Account Holder Representative, if any) will be contacted by either email or by phone.

Completing the application

Form 1 – for applicants that are not government bodies

Form 1A – for applicants that are government bodies

Background Information: As part of its Real Estate Fraud Action Plan, ServiceOntario developed a set of criteria for Teraview Account Holders who establish an electronic account with Teranet for the purpose of registering documents in the electronic land registration system.

The criteria are based on three standards that are important in developing an effective strategy against title fraud:

1. **identity** - to ensure that fraudulent persons are not submitting documents for registration;
2. **financial resources** - sufficient to compensate victims of fraud; and
3. **good character/accountability** - to show that only those with appropriate qualifications and integrity are dealing with the electronic land registration system. (*see details of the requirements below, for each category of Applicant*).

By ensuring that Applicants in fact meet these criteria, and are held responsible for Users who are submitting documents for registration, the security of the electronic land registration system is enhanced and victims of fraud have appropriate recourse where registrants act fraudulently.

Page 1 of Application:

Teraview Account Name: This should be the same as the account name registered with Teranet. If this Teraview Account Holder Name is different than the Applicant's full legal name required under Identification item 1, Applicants must note this on the Application, and are reminded that it is their obligation to inform Teranet of any change to their name, or changes to any other information filed with Teranet.

Teraview Account Number:

As some Applicants may have several different accounts set up under one company name, they must choose one of the following methods:

- ▶ complete one Application and Agreement for all accounts under the same name, and attach the **Schedule** at the back of the Application listing all account numbers covered by the Application and Registration Agreement. Please include the address for accounts that are at a different location than that of the named Account Holder. (*i.e. a financial institution may have accounts managed at different branches*); OR
- ▶ complete a separate Application and Registration Agreement for each account.

Consent: Please read the consent section thoroughly and carefully, and pay particular attention to the details regarding the collection, use and disclosure of your information as set out in Section 4 of the registration agreement. If you have questions, please call the number provided on page 1 of the Application, and ServiceOntario staff will assist you.

Identification

Provide all items of information that apply -

1. **Applicant: Teraview Account Holder Name and Contact Information:** Do not enter the names of individuals using or accessing the system through the account via Personal Security Licences (PSLs).
2. **Account Holder Representative:** This is the individual authorized by an Account Holder (the Applicant) that is a firm, partnership, limited liability partnership, multi-discipline practice, corporation, professional corporation or government body, who submits the Application package, including the supporting documents, and signs the Application and Registration Agreement on behalf of the Applicant. By signing, the representative will bind the Account Holder to the terms and conditions of the Agreement. This does NOT have to be the same person who is on file with Teranet as account holder representative.
3. **Corporate Identification** – If Applicable: Notarial copies of the required documents must be submitted with the Application, or original certified copies from the Companies and Personal Property Security Branch of the Ministry, or Corporations Canada, or other government issuer. The Certificate of Authorization for an Applicant that is a Professional Corporation must be a notarial copy or a copy certified by the issuing organization. The documents will not be returned to the Applicant.

Applicants must contact ServiceOntario prior to submitting their Application if they wish to submit evidence of corporate identification in a form other than those noted above.

4. **Personal Identification:** Individual Applicants, or individuals who are Account Holder Representatives, must present one piece of government-issued identification from each of the following lists:

Primary - Photo I.D.	Secondary I.D.
Driver's Licence Government Employment Card Military Employment Card Age of Majority Card Canadian Citizenship Card Indian Status Card Passport Permanent Resident Card Canadian Firearms Card Ontario Photo Card Nexus Card	Birth Certificate Hunting Licence Fishing Licence Outdoors Card Immigration Papers <i>Health cards, credit cards, and Law Society Membership cards are not acceptable for I.D. purposes</i>

Form 1 Applicant: that are not government bodies – proceed to page 3 of your application.

Form 1A Applicants: government bodies – please complete your documents by dating and signing both the application (page 2) and the agreement (page 6) (*if submitting in person, do not sign until you are at the Land Registry Office in front of ServiceOntario staff*).

The registration agreement will not be signed by the Director until your application has been approved at head office in Toronto.

No further action needs to be taken. You will be advised of the Director's decision regarding your authorization.

Note:

If submitting this application by email, a scanned colour image of the original notarial certificate with scanned colour images of the documentation required in this application, including identification, must be attached. If submitting by mail, send the signed originals of all documents with notarial colour photocopies of the identification.

If submitting at the land registry office, ServiceOntario staff will make a photocopy of the front and back of the individual's i.D. All documentation will be sent to the central office in Toronto by a secure manner.

All documentation will be secured and kept on file at the central processing office in Toronto for the term of the agreement, including any renewal thereof, and for a period of six years following termination or expiry of the agreement, for the purpose of enforcing the registration agreement and relevant legislation, and for the investigation of fraudulent registrations committed under the applicant's account.

Please see the consent section in the registration agreement.

Category A

Applicants who are members of a regulated organization that requires its members to maintain practice insurance with fraud coverage, unless exempted by the organization, or are statutorily required to maintain minimum levels of capital, and have standards of practice, a code of ethics or a code of professional standards under which the applicant's conduct is supervised, regulated, and can be subject to disciplinary action

- ▶ Indicate which of the listed professionals the applicants is, and insert the membership or licence number relating to their membership in a regulated organization; or indicate which institution the applicant is.
 - ▶ **Applicants that are in this category do not need to provide any further evidence to satisfy the three criteria for accessing the Electronic Land Registration System.**
 - ▶ Note that for regulated professionals, this category relates to individuals, not organizations such as law firms, surveying companies or real estate brokerages. For those types of business entities, proceed to category B.
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Category B

An applicant that is not a member of a regulated organization listed in category A, but which is a company or firm formed by one or more of the regulated professionals listed Category A, and which is primarily carrying on business for the performance of activities related to the regulated profession.

Examples:

- ▶ A law firm that is a Partnership or Limited Liability Partnership, Professional Corporation, OR a
- ▶ Multi-discipline practice which the lawyer is a member of
 - A surveying company
 - A real estate agency or brokerage
 - A mortgage brokerage

Note: If the Applicant is a corporation or other business that does not meet this definition, but has professional or non-professional in-house employees that are Users, proceed to Category D.

- ▶ Indicate which organization the professional users are members of, and insert their membership or licence number, if any.
- ▶ **Applicants that are in this category do not need to provide any further evidence to satisfy the three criteria for accessing the Electronic Land Registration System.**
- ▶ If the professionals within the company or firm are not members of a regulated organization listed in 'A', proceed to category 'C'.

Note Re Mortgage Brokers: new standards are being implemented as at July 1, 2008, pursuant to the *Mortgage Brokerages, Lenders and Administrators Act, 2006*, and these applicants will continue to meet the criteria.

Category C

Applicants that are (or an applicant whose users are) members of a regulated organization not listed in category A, BUT which has standards of practice, a code of ethics or a code of professional standards under which the Applicant's (or User's) conduct is supervised, regulated & can be subject to disciplinary action:

Note: Applicants are advised to contact ServiceOntario in advance to discuss whether the organization in which they are a member is one which is acceptable to the Director for the purposes of authorization; and to discuss the evidence they wish to submit, to ensure it is sufficient.

- ▶ Fill in the required information. Applicants are advised to contact ServiceOntario prior to submitting their Application, to discuss their eligibility.

Note Re: Categories A, B and C:

ServiceOntario staff processing the applications at head office may conduct spot-checks by contacting the Regulated Organization in which the Applicant has stated it is (or its Users are) a member in Category A, B or C, to ensure that the membership information provided by the Applicant matches the information on file with the Organization.

Category D

Applicants that do not meet the definitions in sections A, B or C:

Applicants who are not members of a Regulated Organization that has standards of practice, a code of ethics or a code of professional standards under which the Applicant may be disciplined for non-compliance, and are not formed for the purpose set out in Category B, must provide the base standard of evidence to meet the criteria of financial resources, good character and accountability:

Examples:

- A Sole Proprietorship that is not carrying on business in a regulated profession listed in Category A
- A business corporation that is not a Professional Corporation or regulated organization
example: a Real Estate Development company

Financial resources:

Applicants must provide evidence as particularized in the application. If you have any questions please call ServiceOntario prior to submitting the application to ensure that your insurance coverage or other evidence of financial resources is acceptable.

Good character/accountability:

1. Declaration of previous convictions and unresolved charges:

The applicant and the account holder representative (if that person is not a member of a regulated profession set out in category a) must declare (subject to the exceptions listed) any outstanding unresolved charges and/or previous convictions for offences under provincial or federal statutes including the *Criminal Code* (Canada). The information provided will be used by ServiceOntario to compare against the results of the police records check (see step 2 below). If a discrepancy is identified between your declaration and the results of the records check, you may be contacted by the processing office and given an opportunity to explain this discrepancy before a decision is made by the Director of Land Registration regarding your application.

2. A criminal records check report:

Note: Your local police service may refer to this type of check under a different name, such as “criminal background check” or “criminal information request”.

In addition, application forms, fees and other requirements, processing times and office hours vary between police services. Please check with your local police service to obtain information regarding their hours of operation, procedures and fees, and allow sufficient time to obtain a Report before the deadline for submitting this Application for Authorization.

How to Obtain a Criminal Record Check Report: You can obtain a criminal record check report from your local or regional police service, which will access the RCMP's CPIC (Canadian Police Information Centre) database electronically. The report is acceptable whether it is obtained in Ontario or any other Canadian province or territory.

Please ensure the following:

- The report must be an original, certified, unaltered criminal record check report or letter of clearance, and must indicate that a search was done using the CPIC database, which is the automated criminal records retrieval system maintained by the Royal Canadian Mounted Police (RCMP).
- The full name listed on the Application form must match the name appearing on the criminal record check report. **The report must also indicate that a search was completed using all names the individual is currently using or has used.**
- The report must not be older than six months from the date the application is submitted.

Assessment of Positive Reports

If your report indicates a criminal record, please submit with the report a detailed explanation of the circumstances that led to the criminal record. A criminal record will not automatically result in denial of authorization by the Director of Land Registration. Each report will be considered individually and evaluated on the relevant factors, as outlined on page 6 of the Application.

Note the instructions in the application regarding documentation required to be obtained and maintained by the applicant in this category for each individual user under their account.

3. Details re users that have been disciplined: Provide the names & membership numbers of all licensed Users under the Teraview Account who are or have been members of a regulated organization and, if any have been the subject of disciplinary proceedings where they have been found to have engaged in professional misconduct, including fraud, provide details.

Part two: The Registration Agreement

1. Please ensure that the agreement is reviewed carefully before the applicant/account holder or the account holder representative (if any) signs.
2. By signing the agreement, the account holder will be held responsible for all users submitting documents for registration to the electronic land registration system under that account.