



Ministry of
Consumer and
Commercial
Ontario Relations

Ministère de la
Consommation
et du
Commerce

Registration
Division

Division de
l'enregistrement

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July 17, 1996

EM199605

MEMO TO: Regional Managers
Land Registrars

FROM: Kate Murray
Director of Titles

SUBJECT: **WRITS OF EXECUTION**

As you know, an agreement has been reached between the Ministry of Attorney General and the Ministry of Consumer and Commercial Relations to harmonize the writ search services. This means that there will be one common database used for a writ of execution search. All other aspects pertaining to writs will remain the same.

Harmonization will take place as automation and conversion of records is introduced into an office. Teranet is therefore facilitating the implementation of the writs harmonization initiative and the first phase includes the following offices: Ottawa, Essex, Halton, Kent, Middlesex, Durham, Oxford, Peel, Simcoe, Sudbury, Waterloo, Wentworth, Toronto and York.

Writ searches will be performed on self-serve computers in the land registry offices. The results of the search will be printed on a computer generated Sheriff's certificate. Land registry offices are hereby instructed to accept the Sheriff's certificate for land titles transactions when harmonized services are introduced in your office.

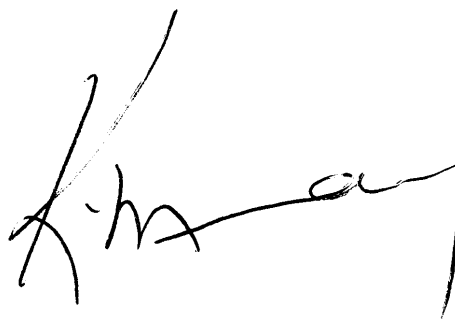
When an area which has been solely registry is designated for land titles and properties are subsequently converted to land titles, Teranet will conduct a writ search at the time of conversion of property to land titles, and any outstanding writs of execution will be shown on the parcel against the current owner of the parcel. Any writ filed in the Sheriff's database at the time of the introduction of land titles will be brought forward into the land titles writs database. From that day forward, when a creditor files a writ with the Sheriff he/she must go through the current process of requesting the Sheriff to file the writ in land titles and pay the appropriate fee.

When a property is in land titles and a client receives a "hit" when searching executions, he/she may provide the land registry office with an affidavit stating that the registered owner is not one and the same person set out in the writ. An example for the form to be used for this affidavit is contained in the Land Titles Procedural Guide and requires inclusion of information such as the plaintiff, writ number, the amount of the writ and a statement that the judgement debtor is not one and the same person. I have attached a copy of this information for your use. It has been the

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practice in some land registry offices for the staff to check the details of the writ with the details set out in the affidavit. As this is an additional workload, and where harmonization has taken place a paper copy of the writ is no longer delivered to the land registry office, staff will no longer need to verify the details of the writ as reliance will be placed on the information supplied by the client. The only detail staff need to check is the amount of the writ to determine that the proper party is making the affidavit. This applies to all land registry offices including those which have not yet been harmonized.

Thank-you for your cooperation.

A handwritten signature in black ink, appearing to read "L. Leighton". The signature is written in a cursive style with a long horizontal stroke at the end.

c.c. Ian Veitch, Director, Real Property Registration Branch
Linda Leighton, Director, Program Development Branch, MAG
Legal Services
Head Office Managers