



Ministry of
Consumer and
Commercial
Relations

Ministère de la
Consommation
et du
Commerce

Registration
Division

Division de
l'enregistrement

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February 5, 1997

MEMO TO: Regional Managers
Land Registrars

FROM: Ian Veitch
Director
Real Property Registration

SUBJECT: *RED TAPE REDUCTION ACT (Ministry of Consumer
and Commercial Relations), 1997*

Bill 117 was introduced for first reading into the legislature on Monday, February 3. This Bill includes amendments to all five Acts which are administered by the Real Property Registration Branch, namely: the *Boundaries Act*, the *Certification of Titles Act*, the *Land Registration Reform Act*, the *Land Titles Act* and the *Registry Act*.

The Bill, known as the *Red Tape Reduction Act (Ministry of Consumer and Commercial Relations), 1997*, is a result of a Red Tape Review Commission which was given the mandate of reducing red tape in government. The Red Tape Review Commission issued some general recommendations which specifically related to the regulation making powers. As a result all of the Lieutenant Governor in General regulation making powers in all of our Acts have been eliminated and are now either regulations, which will be made by the Minister or the Director of Land Registration, or orders made by the Minister.

The basic difference as to whether or not a directive is by regulation or order is that, if it is necessary for clients to have specific notice in order to prepare and register documents, it will be by regulation. If the matter is more administrative and affects how we operate in a land registry office, it will be done by way of an order.

Each ministry was asked to review the legislation for which they are responsible and only make proposals which met certain criteria. This criteria included:

- a) decreasing regulatory burden on business of institutions;
- b) increasing efficiencies of government;
- c) providing the framework or authority to eliminate obsolete or unnecessary regulation;

- d) reducing government costs in administering regulatory measures;
- e) resulting in improved customer service;
- f) reducing duplication with other levels of government;
- g) facilitating harmonization with other jurisdictions;
- h) removing barriers to economic growth or job creation;
- i) changing the way that matters are dealt with so that the emphasis is on administrative solutions or self-regulation rather than prescriptive regulations.

As a result, we have proposed many changes in the Acts which will assist both the Branch and our clients in doing business in our offices.

Below is a summary of most of the changes to the Acts administered by RPR.

Boundaries Act:

The authority to make regulations is amended so that the Minister can make orders dealing with fees and administrative issues. The Director of Land Registration can make regulations with respect to forms, and the Minister makes any other regulations.

Certification of Titles Act:

The time period for appealing a decision of the Director of Titles is specified to be 30 days from the date of the decision.

The authority to make regulations is amended so that the Minister can make orders dealing with fees and administrative issues. The Director of Land Registration can make regulations with respect to forms, and the Minister makes any other regulations.

Land Registration Reform Act:

The Act is amended so that it states that Part I applies to the whole Province and the power to designate land under Part I is repealed. Part I has applied to the whole province since 1985, and this amendment repeals many redundant sections.

The authority to make regulations is amended so that the Minister can make orders dealing with fees. The Director of Land Registration can make regulations with respect to forms and the Minister makes any other regulations.

Land Titles Act:

The time for an appeal to be initiated after a hearing is set at 30 days.

The process for section 128 cautions has been amended to provide that a caution expires 60 days after the date of registration, and the hearing process under section 129 is repealed. The Act will provide that the cautioner must serve notice of the registration of the caution on the registered owner of the land or charge. There will be a transition period for cautions in order to give sufficient notice to clients, and to provide for cautions which are already in existence. In addition a caution based upon an agreement of purchase and sale will be registered under section 71 with a provision that such a caution will expire 60 days after the date of closing. This will be not be set out in the Act but will be administered as any other section 71 notice is.

The provision for Certificates of Ownership/Charge has been repealed, as well as the requirement for land registry offices to supply a certificate of search.

The rate of interest, period of payment and balance due date will no longer be a mandatory requirement in order to register a charge.

All references in the Act to executors and administrators have been expanded to include estate trustees.

The Act is amended to repeal the powers of the Courts, the Director of Titles and land registrars to register an inhibiting order against land or a charge without notice.

A lease may be registered by registering the lease or a notarial copy of it, or a notice of the lease setting out the particulars of it. The Act is also amended to provide for the registration of a notice of an amendment of a registered lease.

The Director of Titles and the land registrars are no longer required to have and use a seal of office.

The Bill contains provisions that will accommodate the joint writ project between MCCR and MAG by amending the Act to reflect the changes necessary to reflect the fact that the land registry office will have access to the Sheriff's writ database.

The authority to make regulations is amended so that the Minister can make orders dealing with fees and administrative issues.

The Director of Land Registration can make orders with respect to the hours of operation of a land titles office, and the procedures for converting land under section 32 of the Act.

The Director of Titles can specify the procedures for removing a qualification from title.

The Director of Land Registration can make regulations with respect to forms and the Minister makes any other regulations.

Registry Act:

The Act has been amended to repeal the section which provides for a land registrar's abstract of title.

The requirement to produce the duplicate registered mortgage when registering a discharge of the mortgage is repealed.

All references in the Act to executors and administrators have been expanded to include estate trustees.

The Act is amended to allow the registration of a holograph will or a notarial copy thereof. Section 18 is also amended to allow for a notarial copy of a power of attorney to be registered. In addition the requirement to make a special notation on the abstract index that an instrument has been executed under power of attorney has been repealed. Notarial copies of certain documents, as specified by the Director of Land Registration, may now be deposited. The *Mortgages Act* was amended to provide that a notarial copy of the post office receipts in support of a power of sale may be accepted.

The section requiring that the Director of Land Registration and the land registrars have and use a seal of office has been repealed.

The regulation making powers were amended so that the Minister can make orders dealing with fees and administrative purposes.

The Director of Land Registration can make orders with respect to the hours of operation of a land registry office, and some other administrative procedures.

The Director of Land Registration can make regulations with respect to forms and the Minister makes any other regulations.

Land Titles/Registry Acts

The sections of the Acts which deal with the registration and numbering or receipt of documents have been amended to focus on the registration number, and not the time of registration for priority purposes.

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The Bill amends both the *Registry* and *Land Titles Acts* to reflect the fact that Part I of the *Land Registration Reform Act* applies to all of Ontario, and it amends various sections to replace the requirements for an affidavit with a requirement for a statement.

In accordance with the guidelines and direction from the Commission, both the *Registry* and *Land Titles Act* have been changed to provide that staff appointments and delegation of duties are not set out in the Acts. These provisions are administrative in nature, not legislative, and therefore the delegations in the Acts only include the Director of Land Registration, the Director of Titles, the Examiner of Surveys and Land Registrars. All other delegations are to be made by either the Director of Land Registration, the Director of Titles or by the Land Registrar.

Once passed by the legislature, all of these amendments will be introduced upon Royal Assent with the following exceptions:

- Certificates of ownership and search and registrar's abstracts will be introduced 60 days after Royal Assent.
- The amendments concerning cautions will be introduced 180 days after Royal Assent.
- The amendments to the sections regarding the numbering and registration of documents will be proclaimed.
- The sections concerning writs of execution are to be proclaimed.

For your information, a copy of the portions of the Bill which affect our legislation is enclosed.

A bulletin will be forthcoming in the near future in preparation for the changes which will be made to the operations of the Branch. If you have any questions please contact Kate Murray at (416)314-4881 or Margaret Wiseman at (416)314-4885.

I would like to thank Janet Price, Lee Trevors, Margaret Wiseman and Kate Murray for their participation in this exercise. My thanks are also extended to Barbara LeVasseur and Nancy Sills of Legal Services for their assistance in putting the proposed bill together.



Enclosure

c.c. Head Office Staff
Legal Services

~~Appeal~~

(6) A party to an assessment made under subsection (4) may appeal the assessment to a judge of the Ontario Court (General Division).

15. The Act is amended by adding the following section:

Power of Minister

18.1 The Minister may by order require the payment of fees for applications or other services under this Act and may approve the amount of those fees.

16. (1) Clause 19 (b) of the Act is repealed.

(2) Section 19 of the Act is amended by adding the following clause:

(d) prescribing a tariff of fees and costs payable to bailiffs under this Act or any other Act.

(3) Despite subsection (1), regulations made under clause 19 (b) of the Act, as that clause read immediately before that subsection comes into force, continue until the Minister makes an order under section 18.1 of the Act, as enacted by section 15, that is inconsistent with those regulations.

(4) Despite subsection (1), the Lieutenant Governor in Council may by regulation revoke regulations made under clause 19 (b) of the Act, as that clause read immediately before that subsection comes into force, if the Minister makes an order under section 18.1 of the Act, as enacted by section 15, that is inconsistent with those regulations.

BOUNDARIES ACT

17. Subsection 9 (2) of the *Boundaries Act* is amended by striking out "the prescribed fee" in the fifth and sixth lines and substituting "the required fee".

18. The Act is amended by adding the following section:

Minister's orders

20.1 The Minister responsible for the administration of this Act may by order,

- (a) require the payment of fees under this Act and specify the amounts of the fees;
- (b) specify administrative procedures for the purposes of this Act;

(c) specify the procedures for land registrars to follow with respect to matters under this Act.

19. (1) Section 21 of the Act is amended by striking out the portion before clause (a) and substituting the following:

(1) The Minister responsible for the administration of this Act may make regulations,

.

(2) Clauses 21 (d), (f), (h) and (j) of the Act are repealed.

(3) Section 21 of the Act is amended by adding the following subsection:

Director of Land Registration

(2) The Director of Land Registration appointed under the Registry Act may make regulations prescribing forms and providing for their use.

(4) Despite subsection (1), the Lieutenant Governor in Council may by regulation revoke regulations made under clause 21 (a), (b), (c), (e), (g), (i), (k) or (l) of the Act, as those clauses read immediately before that subsection comes into force, if the Minister makes a regulation under subsection 21 (1) of the Act, as amended by this section, that is inconsistent with those regulations.

(5) Despite subsection (2), regulations made under clause 21 (d), (h) or (j) of the Act, as those clauses read immediately before that subsection comes into force, continue until the Minister makes an order under section 20.1 of the Act, as enacted by section 18, that is inconsistent with those regulations.

(6) Despite subsection (2), the Lieutenant Governor in Council may by regulation revoke regulations made under clause 21 (d), (h) or (j) of the Act, as those clauses read immediately before that subsection comes into force, if the Minister makes an order under section 20.1 of the Act, as enacted by section 18, that is inconsistent with those regulations.

(7) Despite subsection (2), the Lieutenant Governor in Council may by regulation revoke regulations made under clause 21 (f) of the Act, as that clause read immediately before that subsection comes into force, if the Director of Land Registration makes a regulation under subsection 21 (2) of the Act, as enacted by subsection (3), that is inconsistent with those regulations.

~~(2) Despite subsection (1), regulations made under clause 16 (1) (e) of the Act, as that clause read immediately before that subsection comes into force, continue until the Minister makes an order under section 15.1 of the Act, as enacted by section 39, that is inconsistent with those regulations.~~

~~(3) Despite subsection (1), the Lieutenant Governor in Council may by regulation revoke regulations made under clause 16 (1) (e) of the Act, as that clause read immediately before that subsection comes into force, if the Minister makes an order under section 15.1 of the Act, as enacted by section 39, that is inconsistent with those regulations.~~

CERTIFICATION OF TITLES ACT

41. Subsection 7 (2) of the *Certification of Titles Act* is amended by inserting ", within 30 days after the date of the decision," after "appeal" in the second line.

42. Subsection 8 (3) of the Act is amended by inserting ", within 30 days after the date of the order," after "appeal" in the third line.

43. The Act is amended by adding the following section:

Minister's orders

19.1 The Minister responsible for the administration of this Act may by order,

- (a) require the payment of fees under this Act and specify the amounts of the fees;
- (b) specify administrative procedures for the purposes of this Act;
- (c) specify the procedures for land registrars to follow with respect to matters under this Act.

44. (1) Section 20 of the Act is amended by striking out the portion before clause (a) and substituting the following:

20. The Minister responsible for the administration of this Act may make regulations,

.

(2) Clauses 20 (c), (d), (g) and (h) of the Act are repealed.

(3) Section 20 of the Act is amended by adding the following subsection:

Director of Land Registration

(2) The Director of Land Registration appointed under the Registry Act may make regulations prescribing forms and providing for their use.

(4) Despite subsection (1), the Lieutenant Governor in Council may by regulation revoke regulations made under clause 20 (a), (b), (e), (f) or (i) of the Act, as those clauses read immediately before that subsection comes into force, if the Minister makes a regulation under subsection 20 (1) of the Act, as amended by this section, that is inconsistent with those regulations.

(5) Despite subsection (2), regulations made under clause 20 (c), (g) or (h) of the Act, as those clauses read immediately before that subsection comes into force, continue until the Minister makes an order under section 19.1 of the Act, as enacted by section 43, that is inconsistent with those regulations.

(6) Despite subsection (2), the Lieutenant Governor in Council may by regulation revoke regulations made under clause 20 (c), (g) or (h) of the Act, as those clauses read immediately before that subsection comes into force, if the Minister makes an order under section 19.1 of the Act, as enacted by section 43, that is inconsistent with those regulations.

(7) Despite subsection (2), the Lieutenant Governor in Council may by regulation revoke regulations made under clause 20 (d) of the Act, as that clause read immediately before that subsection comes into force, if the Director of Land Registration makes a regulation under subsection 20 (2) of the Act, as enacted by subsection (3), that is inconsistent with those regulations.

~~CHANGE OF NAME ACT~~

45. Subsection 3 (3) of the *Change of Name Act* is amended by striking out "the prescribed fee" in the second and third lines and substituting "the required fee".

46. Subsection 7 (1) of the Act is amended by striking out "the prescribed fee" in the third and fourth lines and substituting "the required fee".

47. The Act is amended by adding the following section:

Power of Registrar General

12.1 The Registrar General may by order set and collect fees for,

- (a) elections under subsection 3 (1) made at the time of marriage or at the time of filing a joint declaration,

~~(b) prescribing the form and content of any documents to be filed under this Act.~~

Fees

(2) The Minister may by order require the payment of fees for search reports and copies of documents and information, or other services under this Act and may approve the amount of those fees.

88. (1) Clauses 25 (a) and (b) of the Act are repealed.

(2) Despite subsection (1), regulations made under clause 25 (a) of the Act, as that clause read immediately before that subsection comes into force, continue until the Minister makes an order under subsection 24.1 (2) of the Act, as enacted by section 87, that is inconsistent with those regulations.

(3) Despite subsection (1), the Lieutenant Governor in Council may by regulation revoke regulations made under clause 25 (a) of the Act, as that clause read immediately before that subsection comes into force, if the Minister makes an order under subsection 24.1 (2) of the Act, as enacted by section 87, that is inconsistent with those regulations.

(4) Despite subsection (1), the Lieutenant Governor in Council may by regulation revoke regulations made under clause 25 (b) of the Act, as that clause read immediately before that subsection comes into force, if the Minister makes a regulation under subsection 24.1 (1) of the Act, as enacted by section 87, that is inconsistent with those regulations.

LAND REGISTRATION REFORM ACT

89. Section 2 of the Land Registration Reform Act is repealed and the following substituted:

Application of Part

2. This Part applies to documents affecting or relating to land in Ontario.

90. Subsection 7 (7) of the Act is repealed.

91. Subsection 8 (4) of the Act is amended by striking out "at the prescribed fee" in the third and fourth lines and substituting "upon payment of the required fee".

92. The Act is amended by adding the following section:

Minister's orders

13.1 The Minister responsible for the administration of this Act may by order require the payment of fees under subsection 8 (4) and specify the amount of the fees.

93. (1) Section 14 of the Act is repealed and the following substituted:

Regulations

14. (1) The Minister responsible for the administration of this Act may make regulations,

- (a) prescribing standard charge terms for the purpose of subsection 7 (5);
- (b) prescribing the form and manner in which sets of standard charge terms are to be filed with the Director under subsection 8 (1) and are to be made available for public inspection and copying;
- (c) prescribing the form and manner in which notice is to be given under section 12;
- (d) prescribing the form and manner in which statements in documents are to be made;
- (e) prescribing the manner in which a party to a document registered under the *Land Titles Act* or the *Registry Act* may notify the land registrar of changes in the party's address for service;
- (f) authorizing the Director to issue instructions for the completion and execution of documents;
- (g) authorizing the Director to approve forms prescribed under subsection (2) and prohibiting the registration of documents in forms prescribed under subsection (2) that are not approved by the Director.

Regulations made by Director

(2) The Director may make regulations prescribing forms for transfers, charges, discharges and other documents to be registered under the *Land Titles Act* or the *Registry Act*, or deposited under Part II of the *Registry Act*.

(2) Despite subsection (1), the Minister responsible for the administration of the Act may by regulation revoke regulations made under clause 14 (a) of the Act, as that clause read immediately before that subsection comes into force.

(3) Despite subsection (1), the Lieutenant Governor in Council may by regulation revoke regulations made under clause 14 (b), (c), (d), (e), (f), (h), (i) or (j) of the Act, as those clauses read immediately before that subsection comes into force, if,

- (a) the Minister makes a regulation under subsection 14 (1) of the Act, as re-enacted by subsection (1), that is inconsistent with those regulations; or
- (b) the Director makes a regulation under subsection 14 (2) of the Act, as enacted by subsection (1), that is inconsistent with those regulations.

(4) Despite subsection (1), regulations made under clause 14 (g) of the Act, as that clause read immediately before that subsection comes into force, continue until the Minister makes an order under section 13.1 of the Act, as enacted by section 92, that is inconsistent with those regulations.

(5) Despite subsection (1), the Lieutenant Governor in Council may by regulation revoke regulations made under clause 14 (g) of the Act, as that clause read immediately before that subsection comes into force, if the Minister makes an order under section 13.1 of the Act, as enacted by section 92, that is inconsistent with those regulations.

94. Section 15 of the Act is repealed and the following substituted:

Designated areas

15. The Minister responsible for the administration of this Act may by regulation designate all or any part of land in Ontario for the purpose of implementing a system of automated information recording and retrieval and property mapping.

95. Subsection 16 (1) of the Act is amended by striking out "prescribed" in the second line and substituting "specified".

96. (1) Section 19 of the Act, as enacted by the Statutes of Ontario, 1994, chapter 27, section 85, is amended by striking out "Lieutenant Governor in Council" in the fifth line and substituting "Minister responsible for the administration of this Act".

(2) Despite subsection (1), the Lieutenant Governor in Council may by regulation revoke regulations made under section 19 of the Act, as that section read immediately before subsection (1) comes into force, if the Minister makes a regulation under section 19 of the Act, as amended by subsection (1), that is inconsistent with those regulations.

97. (1) Subsection 30 (1) of the Act, as enacted by the Statutes of Ontario, 1994, chapter 27, section 85, is amended by striking out the portion before clause (a) and substituting the following:

(1) The Minister responsible for the administration of this Act may make regulations,

.

(2) Despite subsection (1), the Lieutenant Governor in Council may by regulation revoke regulations made under subsection 30 (1) of the Act, as that subsection read immediately before subsection (1) comes into force, if the Minister makes a regulation under subsection 30 (1) of the Act, as amended by subsection (1), that is inconsistent with those regulations.

LAND TITLES ACT

98. The definition of "regulations" in section 1 of the *Land Titles Act* is repealed and the following substituted:

"regulations" means the regulations made under this Act and paragraph 7 of subsection 102 (1) or section 103 of the *Registry Act*. ("règlements")

99. Subsection 3 (2) of the Act is amended by striking out the portion before clause (a) and substituting the following:

(2) The Minister may by regulation,

.

100. Subsection 4 (1) of the Act is amended by striking out the portion before clause (a) and substituting the following:

(1) The Minister may by regulation,

.

101. Section 5 of the Act is repealed and the following substituted:

Representatives of land registrars

5. A land registrar appointed for a land titles division may appoint public servants within the meaning of the *Public Service Act* as representatives of the land registrar, to whom the land registrar may delegate the powers and duties under this Act that the land registrar specifies.

102. Section 8 of the Act is amended by striking out "the Lieutenant Governor in Council" in the ninth and tenth lines and substituting "the Minister".

103. Section 9 of the Act is repealed and the following substituted:

Director of Titles

9. (1) The Director of Land Registration may appoint a public servant within the meaning of the *Public Service Act* who is a barrister and solicitor to be the Director of Titles.

Representatives

(2) The Director of Titles may appoint public servants within the meaning of the *Public Service Act* as representatives of the Director, to whom the Director may delegate the powers and duties under this or any other Act that the Director specifies.

104. (1) Subsection 10 (2) of the Act is repealed.

(2) Subsection 10 (4) of the Act is repealed and the following substituted:

Place for hearing

(4) A hearing held under this Act may be held at the local land registry office, the office of the Director of Titles or some other location in Ontario that the hearing officer chooses, having regard to the circumstances of the case.

(3) Subsection 10 (7) of the Act is amended by striking out "prescribed" at the end and substituting "required".

105. Section 13 of the Act is repealed.

106. (1) Subsection 14 (1) of the Act is repealed and the following substituted:

Examiner of surveys

(1) There shall be an examiner of surveys whom the Director of Land Registration appointed under the *Registry Act* shall appoint.

(2) Subsection 14 (3) of the Act is amended by striking out "prescribed by the Lieutenant Governor in Council" in the seventh, eighth and ninth lines and substituting "otherwise required".

107. Section 15 of the Act is amended by striking out "Deputy Director of Titles" in the third and fourth lines and substituting "representative".

108. Section 17 of the Act is repealed.

109. Section 18 of the Act is repealed and the following substituted:

Office hours

18. (1) Every land registry office shall be kept open, for the hours that the Director of Land Registration by order specifies, on every day except,

- (a) Saturday;
- (b) Sunday;
- (c) a day that is a holiday for civil servants as prescribed by the regulations under the *Public Service Act*; and
- (d) a day that the Director by order specifies.

Extension of time

(2) A day described in clauses (1) (a), (b), (c) or (d) shall be deemed to be a holiday for the purpose of clause 28 (i) of the *Interpretation Act*.

Registration of instruments

(3) The Director of Land Registration may by order specify the hours during which instruments may be received for registration; no instruments may be received for registration outside those hours except if,

- (a) the Director by order specifies that instruments may be received for registration outside those hours; and
- (b) the registrations are made in accordance with the conditions, if any, set out in the Director's order mentioned in clause (a).

Different hours

(4) The hours that the Director of Land Registration specifies under subsection (3) for receiving instruments for registration may be different from the hours that the Director specifies under subsection (1) for the opening of a land registry office.

Services when no registrations

(5) The Director of Land Registration may by order specify the services to be provided at land registry offices before or after the hours within which instruments are received for registration.

Scope of orders

(6) An order that the Director of Land Registration makes under this section may be limited to one or more land registry offices for one or more land titles divisions.

Not regulations

(7) An order that the Director of Land Registration makes under this section is not a regulation within the meaning of the *Regulations Act*.

110. Subsection 20 (1) of the Act is amended by striking out "under the seal of his or her office" in the second and third lines.

111. Section 22 of the Act is amended by striking out "officer" in the first line and substituting "representative".

112. Subsection 23 (2) of the Act is repealed.

113. Section 26 of the Act is repealed and the following substituted:

Appeal to court

26. A party to a hearing held under this Act may appeal the decision or order of the Director of Land Registration, Director of Titles or land registrar to the court within 30 days of the date of the decision or order, as the case may be, and the appeal shall be by way of a new trial.

114. Section 27 of the Act is amended by striking out "the prescribed time" in the fourth line and substituting "30 days of the date of the decision".

115. (1) Subsection 31 (5) of the Act is amended by striking out "The Lieutenant Governor in Council" in the first line and substituting "The Minister".

(2) Subsection 31 (6) of the Act is amended by striking out "the Director of Land Registration" in the second and third lines and substituting "the Minister".

116. (1) Subsection 32 (1) of the Act is amended by adding "or the orders made under subsection (4)" after "regulations" in the third line.

(2) Subsection 32 (4) of the Act is repealed and the following substituted:

Orders governing registration

(4) The Director of Land Registration may make orders governing the registration of land under subsection (1) and the procedure to be followed in connection with the registration, including the notices to be given to owners and encumbrancers.

Not regulations

(5) An order made by the Director of Land Registration under subsection (4) is not a regulation within the meaning of the *Regulations Act*.

(3) Despite subsection (2), regulations made under subsection 32 (4) of the Act, as it read immediately before subsection (2) comes into force, continue until the Director of Land Registration makes an order under subsection 32 (4) of the Act, as re-enacted by subsection (2), that is inconsistent with those regulations.

(4) Despite subsection (2), the Lieutenant Governor in Council may by regulation revoke regulations made under subsection 32 (4) of the Act, as it read immediately before subsection (2) comes into force, if the Director of Land Registration makes an order under subsection 32 (4) of the Act, as re-enacted by subsection (2), that is inconsistent with those regulations.

117. Section 35 of the Act is repealed and the following substituted:

Entry of writs against patentee

35. Upon making an entry of ownership for land granted to a patentee, the land registrar shall, unless the land is free grant or otherwise exempt from execution,

- (a) search against the patentee for writs of execution and other liens in the electronic database that the sheriff, who has territorial jurisdiction for the land titles division where the land registrar made the entry, maintains for writs of execution and liens; and
- (b) make an entry against the land of the writs of execution and other liens, if any, affecting the land.

118. Subsection 46 (2) of the Act is repealed and the following substituted:

Application for absolute title

(2) The registered owner of land with a qualified title may apply to the land registrar to be registered as owner of the land with an absolute title.

Forms and procedure

(3) The applicant shall complete the prescribed forms for the application and comply with the procedure that the Director of Titles specifies.

Hearing

(4) The Director of Titles may hear and determine the objections, if any, to the application.

Time of registration

(5) The land registrar shall not grant an application under subsection (2) unless all objections have been withdrawn or have been finally disposed of and,

- (a) the Director of Titles is satisfied that the estate, right or interest in respect of which the title is qualified is no longer capable of enforcement; or

- (b) the Director of Titles is prepared to accept a bond or covenant from the applicant in accordance with section 55.

119. Subsection 47 (3) of the Act is amended by striking out "the prescribed fees" in the fifth line and substituting "the required fees".

120. Subsection 57 (10) of the Act is amended by striking out "twenty" in the fifth line and substituting "30".

121. Section 63 of the Act is amended by striking out "or administrator" in the third line and substituting "administrator or estate trustee".

122. (1) Subsection 64 (3) of the Act is amended by striking out "an affidavit" in the sixth line and substituting "a statement".

(2) Subsection 64 (4) of the Act is amended by striking out "an affidavit" in the fourth line and substituting "a statement".

123. Subsection 70 (2) of the Act is repealed and the following substituted:

Registration

(2) A power of attorney or a notarial or certified copy of it may be registered in the prescribed manner.

124. Section 71 of the Act is amended by adding the following subsection:

Agreement of purchase and sale

(1.1) An agreement of purchase and sale or an assignment of that agreement shall not be registered, but a person claiming an interest in registered land under that agreement may register a caution under this section on the terms specified by the Director of Titles.

125. Section 76 of the Act is amended by striking out "prescribed" in the fifth line and substituting "specified".

126. (1) Subsection 78 (1) of the Act is repealed and the following substituted:

Particulars of registration

(1) A land registrar who receives and accepts an instrument for registration shall number it consecutively in the order of receiving it and shall note on it the particulars of registration in the required manner.

Simultaneous receipt

(1.1) A land registrar who receives, at the same time, two or more instruments that affect the same land and that are capable of registration shall register them in the order requested by the person presenting them for registration.

(2) The English version of subsection 78 (2) of the Act, as amended by the Statutes of Ontario, 1993, chapter 27, Schedule, is further amended by striking out "of time" in the third line.

(3) Subsection 78 (3) of the Act is repealed and the following substituted:

When registration complete

(3) Registration of an instrument is complete when the land registrar has certified the instrument and its entry in the proper register in the required manner, and the instrument shall be deemed to have been registered on the day that the land registrar received it and in the order that the land registrar entered it in the proper register.

(4) Subsection 78 (5) of the Act is amended by striking out "time of registration" in the last line and substituting "order of their registration".

127. Section 79 of the Act is repealed.

128. (1) Subclause 81 (a) (ii) of the Act is repealed and the following substituted:

(ii) that contains or has attached to it material that does not, in the land registrar's opinion, affect or relate to an interest in land; and

.

(2) Clause 81 (b) of the Act is repealed and the following substituted:

(b) refrain from recording a part of a registered instrument where the part of the instrument does not, in the land registrar's opinion, affect or relate to an interest in land.

129. (1) Subsection 85 (2) of the Act is amended by striking out the portion before clause (a) and substituting the following:

(2) The Minister may make regulations,

.

(2) Despite subsection (1), the Lieutenant Governor in Council may by regulation revoke regulations made under subsection 85 (2) of the Act, as it read immediately before subsection (1) comes into force, if the Minister makes a regulation under subsection 85 (2) of the Act, as amended by subsection (1), that is inconsistent with those regulations.

130. (1) Subsection 93 (2) of the Act is repealed and the following substituted:

Statement of principal

(2) A charge that secures the payment of money shall state the amount of the principal sum that it secures.

(2) Subsection 93 (4) of the Act is amended by inserting "estate trustees" after "administrators" in the second line and by striking out "or administrators" in the fifteenth line and substituting "administrators or estate trustees".

(3) Subsection 93 (5) of the Act is amended by striking out "upon the authorization of the parties thereto or their solicitors" in the third, fourth and fifth lines.

(4) Subsections 93 (6) and (7) of the Act are repealed.

131. (1) Sections 94, 95, 96, 97 and 98 of the Act are repealed.

(2) Despite subsection (1), sections 94, 95, 96 and 97 of the Act, as they read immediately before that subsection comes into force, continue to apply to a charge of registered land that was executed,

(a) before September 6, 1984, in the case of land in the County of Oxford as it existed on December 31, 1980; or

(b) before January 17, 1985, in the case of land elsewhere in Ontario.

132. (1) Subsection 99 (1) of the Act is amended by striking out "upon production of evidence satisfactory to the land registrar" in the third and fourth lines and substituting "upon registering the evidence specified by the Director of Titles".

(2) Section 99 of the Act is amended by adding the following subsection:

Compliance with *Mortgages Act*

(1.1) The evidence specified by the Director of Titles under subsection (1) is conclusive evidence of compliance with Part III of the *Mortgages Act* and, where applicable, with Part II of that

Act and, upon registration of a transfer under that subsection, is sufficient to give a good title to the purchaser.

133. Subsection 102 (1) of the Act is amended by striking out "the prescribed manner" in the eleventh line and substituting "the required manner".

134. Subsection 103 (1) of the Act is amended by striking out "the prescribed manner" in the sixth and seventh lines and substituting "the required manner".

135. (1) Section 110 of the Act is repealed.

(2) Despite subsection (1), subsection 110 (1) of the Act, as it read immediately before that subsection (1) of this section comes into force, continues to apply to a transfer of registered leasehold land that was executed,

- (a) before September 6, 1984, in the case of land in the County of Oxford as it existed on December 31, 1980; or
- (b) before January 17, 1985, in the case of land elsewhere in Ontario.

136. (1) Subsections 111 (4) and (5) of the Act are repealed and the following substituted:

Documents to deliver

- (4) The applicant shall deliver to the land registrar,
 - (a) a notice of the lease or agreement setting out the particulars of it;
 - (b) a notice accompanied by the lease or agreement; or
 - (c) a notice accompanied by a notarial copy of the lease or agreement.

Effect of registration

(5) When notice of a lease or an agreement for lease is registered in respect of land, every registered owner of the land and every person deriving title through the registered owner, except owners of encumbrances registered before the registration of the notice, shall be deemed to have knowledge of the document that the applicant delivered to the land registrar under subsection (4) as an encumbrance on the land.

(2) Subsection 111 (6) of the Act is amended by adding the following clause:

- (a.1) an amendment of the lease.

137. Sections 113, 114, 115, 116 and 117 of the Act are repealed.

138. Subsection 118 (3) of the Act is amended by striking out "as are prescribed" in the fourth line and substituting "that are required".

139. Section 121 of the Act is repealed and the following substituted:

Transmission on death of owner

121. On the death of the sole registered owner or of the survivor of several joint registered owners of leasehold land or of a charge, the executor, administrator or estate trustee of the deceased is entitled to be registered as owner in the place of the deceased.

140. Subsection 126 (1) of the Act is amended by inserting "estate trustee" after "administrator" in the third line.

141. (1) Subsection 127 (1) of the Act is repealed and the following substituted:

Registration of devisees etc.

(1) A person claiming to be entitled to freehold or leasehold land, or to an interest in it capable of being registered, or to a charge as devisee, heir, executor, administrator or estate trustee of a person who might have been registered under section 66, or a person claiming through the person claiming to be so entitled may apply to be registered as owner of the land, interest or charge and, if no conflicting registration has been made, may be so registered subject to section 66 and this section.

(2) The English version of subsection 127 (2) of the Act is amended by striking out "or administrator" in the eleventh line and substituting ", administrator or estate trustee".

142. (1) Subsections 128 (4) and (5) of the Act are repealed and the following substituted:

Expiry

(4) A caution registered under this section after section 142 of the *Red Tape Reduction Act (Ministry of Consumer and Commercial Relations)*, 1997 comes into force ceases to have effect 60 days from the date of its registration and may not be renewed.

(2) Subsection 128 (4) of the Act, as enacted by subsection (1), is amended by striking out "after section 142 of the *Red Tape Reduction Act (Ministry of Consumer and Commercial*

Relations), 1997 comes into force" and substituting "on or after" followed by the date that section 142 comes into force.

143. (1) Subsections 129 (2), (3) and (4) of the Act are repealed and the following substituted:

Notice of caution

(2) After registering a caution, the cautioner shall serve a copy of the caution and a notice containing the particulars of its registration on the registered owner of the land and all other persons having an interest in the land or the charge against which the caution was registered.

Application

(3) In the case of a caution registered before section 142 of the *Red Tape Reduction Act (Ministry of Consumer and Commercial Relations)*, 1997 comes into force, the registered owner of the land or any other person having an interest in the land or the charge against which the caution was registered is entitled, on application to the land registrar, to have the land registrar delete the entry of the caution from the register if the applicant has served a notice of the application on the cautioner at least 60 days before making the application.

(2) Subsection 129 (3) of the Act, as re-enacted by subsection (1), is amended by striking out "section 142 of the *Red Tape Reduction Act (Ministry of Consumer and Commercial Relations)*, 1997 comes into force" and substituting the date that section 142 comes into force.

(3) Subsection 129 (7) of the Act is repealed and the following substituted:

Deletion from register

(7) A land registrar shall delete the entry of a caution from the register as soon as practicable when,

- (a) the caution ceases to have effect; or
- (b) the land registrar receives a withdrawal of the caution in the prescribed form.

144. (1) Section 134 of the Act is repealed.

(2) A caution registered under section 71, 128 or 134 of the Act or a predecessor of those sections before subsection (1), section 124 and section 142 of this Act come into force ceases to have effect,

- (a) five years from the date that subsection (1), section 124 and section 142 come into force, if the date that the caution ceases to have effect is not specified in

the caution or by subsection 128 (4) of the Act, as it read immediately before section 142 comes into force; or

- (b) if there is a date specified in the caution or by subsection 128 (4) of the Act, as it read immediately before section 142 comes into force, the earlier of that date and five years from the date of registration of the caution.

145. (1) Subsections 136 (1), (2), (3), (4) and (5) of the Act are repealed and the following substituted:

Notice of executions

(1) Despite section 3 of the *Bail Act* and subsection 18 (4) of the *Legal Aid Act*, a sheriff to whom a writ of execution, a renewal of a writ of execution or a certificate of lien under either of those Acts is directed shall, upon receiving from or on behalf of the judgment creditor the required fee and instructions to do the actions described in clauses (a) and (b), forthwith,

- (a) enter the writ, renewal or certificate of lien, as the case may be, in the electronic database that the sheriff maintains for writs of execution;
- (b) indicate in the electronic database that the writ, renewal or certificate of lien, as the case may be, affects land governed by this Act;
- (c) assign a number in the electronic database consecutively to each writ, renewal and certificate of lien in the order of receiving it;
- (d) note in the electronic database the date of receiving each writ, renewal and certificate of lien; and
- (e) give the land registrar of each land titles division wholly or partially within the sheriff's territorial jurisdiction access to the electronic database.

When land is bound

(2) No registered land is bound by any writ of execution, renewal or certificate of lien mentioned in subsection (1) until the sheriff has complied with that subsection.

Transfer void

(3) No sale or transfer under a writ of execution or certificate of lien mentioned in subsection (1) is valid as against a person purchasing for valuable consideration before the sheriff has complied with that subsection, although the purchaser may have had notice of the writ or certificate of lien, as the case may be.

(2) Subsections 136 (6) and (7) of the Act are repealed and the following substituted:

Different name on writ

(6) A writ of execution or certificate of lien mentioned in subsection (1) has no effect under this Act if it is issued against the registered owner under a different name from that under which the owner is registered.

Where writ not binding

(7) A writ of execution, renewal or certificate of lien mentioned in subsection (1) does not bind land being transferred or charged as against the transferee or chargee if the land registrar,

- (a) decides that the name of the execution debtor appearing in the writ, renewal or certificate of lien, as the case may be, and the name of the registered owner as it appears in the records of the land registry office of the land registrar do not represent the same person; and
- (b) does one of the following:
 1. Issues a certificate to the effect that the land registrar has made the decision described in clause (a).
 2. In the case of a transfer, registers the transfer free of the writ, renewal or certificate of lien, as the case may be.

(3) Subsection 136 (9) of the Act is repealed.

146. (1) Subsection 141 (2) of the Act is amended by striking out "prescribed" in the second line and substituting "required".

(2) Subsection 141 (3) of the Act is repealed and the following substituted:

Property maps

(3) The Director shall, in the required manner, prepare property maps showing all properties and prepare all other maps as are required.

(3) Subsection 141 (4) of the Act is amended by striking out "prescribed" in the second line and substituting "required".

(4) Subsection 141 (5) of the Act is amended by striking out "prescribed" in the first and second lines and substituting "required".

(5) Subsection 141 (6) of the Act is repealed and the following substituted:

Other indexes and records

(6) The land registrar shall, in the required manner, maintain all other indexes and records as are required.

(6) Subsection 141 (7) of the Act, as amended by the Statutes of Ontario, 1993, chapter 27, Schedule, is further amended by striking out "prescribed" in the third line and substituting "required".

147. (1) Subsection 142 (1) of the Act is repealed.

(2) Clause 142 (3) (b) of the Act is repealed and the following substituted:

(b) one of a specified class of instruments.

148. Subsection 144 (3) of the Act is amended by striking out "The Lieutenant Governor in Council" in the first line and substituting "The Minister".

149. Subsection 158 (2) of the Act is repealed and the following substituted:

Correction of errors

(2) Subject to the regulations, before receiving any conflicting instruments or after notifying all persons interested, the land registrar may correct errors and supply omissions in the register, or in an entry in it, upon the evidence that appears sufficient to the land registrar.

150. (1) Section 163 of the Act is repealed and the following substituted:

Regulations

163. (1) The Minister may make regulations,

1. prescribing any matter, other than forms, that this Act directs or authorizes to be prescribed;
2. governing the precautions to be taken, the instruments to be used, the notices to be given, and the evidence to be adduced in all proceedings under this Act or in connection with registrations under this Act, other than registrations under section 32 or 99 and proceedings under section 46;
3. requiring the information in connection with any form, evidence or procedure under this Act to be verified by affidavit, declaration or statement;

4. governing standards and procedure for surveys and plans of registered land;
5. governing the assessment of costs and the persons by whom the costs are to be paid;
6. specifying the costs that solicitors may charge the Minister in registering land or for any matter incidental to or consequential on the registration of land or for any other matter required to be done for the purpose of carrying out this Act;
7. requiring that the costs mentioned in paragraph 6 be payable by commission, percentage or otherwise, and bear a certain proportion to the value of the land registered or be determined on such other principle as is expedient;
8. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act, other than matters mentioned in subsection (2) and section 18 or 163.1.

Director's regulations

(2) The Director of Land Registration may make regulations prescribing forms and providing for their use.

Minister's orders

163.1 (1) The Minister may make orders,

1. specifying the functions of land registrars relating to the first registration of land under this Act, and specifying which of the functions shall be performed by the Director of Titles or the Director of Land Registration;
2. specifying the duties that are to be performed by the Director of Titles, the land registrar and other officers, and the duties of the Director of Titles and of the land registrars that may be performed by other officers;
3. specifying the manner in which land is to be divided into blocks and properties;
4. specifying the manner in which property maps and other maps are to be prepared and maintained, and specifying those other maps;
5. specifying the manner in which property identifiers are to be assigned;

6. specifying the manner in which the abstract index is to be created and maintained;
7. specifying other indexes and records and the manner in which they are to be maintained for the purpose of subsection 141 (6);
8. specifying the manner in which instruments are to be entered for the purpose of subsection 141 (7);
9. specifying classes of instruments for the purpose of clause 142 (3) (b);
10. specifying the form and manner in which entries in the records of land registry offices are to be made;
11. specifying the manner in which instruments and entries in the register are to be certified at registration;
12. governing the mode in which the register is to be made and kept;
13. governing the mode in which any special register is to be made and kept;
14. specifying methods and standards for computer entry, storage and retrieval of information;
15. governing the custody, disposition and destruction of instruments and records of land registry offices;
16. specifying the manner in which instruments, books, public records and facsimiles of them are to be produced for inspection;
17. specifying the manner in which copies of instruments, books and public records are to be produced and certified;
18. requiring that printed copies of the parcel register relating to land in the parts of Ontario designated under Part II of the *Land Registration Reform Act* be produced at specified times and specifying the times at which they are to be produced;
19. specifying the amount of fees payable under this Act, having regard to,
 - (i) in the case of the registration of land or of a transfer of land on the occasion of a sale, the value of the land as determined by the amount of

purchase money or the value of it to be ascertained in the manner specified in the order,

- (ii) in the case of registration of a charge or of a transfer of a charge, the amount of the charge;
20. specifying the manner in which fees under this Act are to be paid, authorizing land registrars to require the prepayment of classes of fees by cash deposits and specifying classes of fees for that purpose;
 21. specifying classes of users who may pay fees under this Act by means of credit accounts rather than on the basis of prepayment or payment at the time the service is rendered;
 22. requiring land registrars to assign to persons who ask to search the records of the land registry office account numbers and other identification to enable them to do so.

Not regulations

(2) An order made by the Minister under subsection (1) is not a regulation within the meaning of the *Regulations Act*.

Scope of regulations and orders

163.2 The application of any provision of a regulation made under section 163 or an order made under section 163.1 may be limited to one or more land titles divisions or one or more part or parts of a land titles division or divisions.

(2) Despite subsection (1), regulations made under clause 163 (1) (a), (c), (e), (f), (g) or (i) or clause 163 (2) (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o) or (p) of the Act, as those clauses read immediately before subsection (1) comes into force, continue until the Minister makes an order under section 163.1 of the Act, as enacted by subsection (1), that is inconsistent with those regulations.

(3) Despite subsection (1), the Lieutenant Governor in Council may by regulation revoke regulations made under clause 163 (1) (a), (c), (e), (f), (g) or (i) or clause 163 (2) (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o) or (p) of the Act, as those clauses read immediately before subsection (1) comes into force, if the Minister makes an order under section 163.1 of the Act, as enacted by subsection (1), that is inconsistent with those regulations.

(4) Despite subsection (1), the Lieutenant Governor in Council may by regulation revoke regulations made under clause 163 (1) (b), (d), (h), (j), (k) or (l) of the Act, as those clauses read immediately before subsection (1) comes into force, if,

- (a) the Minister makes a regulation under subsection 163 (1) of the Act, as re-enacted by subsection (1), that is inconsistent with those regulations; or
- (b) the Director of Land Registration makes a regulation under subsection 163 (2) of the Act, as re-enacted by subsection (1), that is inconsistent with those regulations.

151. Section 164 of the Act is amended by striking out "section 103 of the *Registry Act*" in the fourth and fifth lines and substituting "paragraph 7 of subsection 102 (1) of the *Registry Act* or section 103 of that Act".

152. (1) Subsections 165 (2) and (3) of the Act are repealed.

(2) Subsection 165 (4) of the Act, as amended by the Statutes of Ontario, 1994, chapter 27, section 86, is further amended by striking out the portion before clause (a) and substituting the following:

(4) Upon receiving the required fee, if any, and a written request where a fee is required, the land registrar shall, in the required manner,

.

(3) The English version of subsection 165 (4) of the Act, as amended by the Statutes of Ontario, 1994, chapter 27, section 86, is further amended by striking out the portion after clause (c).

153. Section 168 of the Act is repealed.

~~LIMITED PARTNERSHIPS ACT~~

154. Subsection 3 (4) of the *Limited Partnerships Act* is repealed and the following substituted:

Subsequent filing

(4) A limited partnership is not dissolved if a declaration expires, but an additional fee in the required amount is payable for the subsequent filing of a new declaration.

155. Section 23.2 of the Act, as enacted by the Statutes of Ontario, 1994, chapter 27, section 87, is amended by striking out "prescribed fee" in the third line and substituting "required fee".

156. Section 25 of the Act, as amended by the Statutes of Ontario, 1994, chapter 27, section 87, is further amended by ~~adding the following subsection:~~

~~Exception~~

(3) Despite subsection (1), the Tribunal may order any other method of service in respect of a matter before the Tribunal.

170. Subsection 13 (1) of the Act is repealed and the following substituted:

Offence

- (1) Every person is guilty of an offence who,
- (a) knowingly fails to comply with any order made under this Act;
 - (b) contravenes subsection 2 (1), section 3 or subsection 4 (5) or 11 (3).

MARRIAGE ACT

171. Section 19 of the *Marriage Act* is repealed and the following substituted:

19. If the regulations prescribe a form setting out the relationships by consanguinity or adoption that, under the *Marriage (Prohibited Degrees) Act* (Canada), bar the lawful solemnization of marriage, the form shall be endorsed on the licence and on the proof of publication of banns.

172. Clause 14 (f) of the Act is repealed and the following substituted:

- (f) prescribing a form setting out the relationships by consanguinity or adoption that, under the *Marriage (Prohibited Degrees) Act* (Canada), bar the lawful solemnization of marriage.

173. The Form to the Act, as amended by Ontario Regulation 726/91, section 1, is repealed.

MORTGAGES ACT

174. Section 35 of the *Mortgages Act* is repealed and the following substituted:

Statutory declarations conclusive

35. Subject to the *Land Titles Act* and except where an order is made under section 39, a document that contains all of the following is conclusive evidence of compliance with this Part and, where applicable, with Part II, and is sufficient to give a good title to the purchaser:

1. A statutory declaration by the mortgagee or the mortgagee's solicitor or agent as to default.

2. A statutory declaration proving service, including production of the original or a notarial copy of the post office receipt of registration, if any.
3. A statutory declaration by the mortgagee or the mortgagee's solicitor that the sale complies with this Part and, where applicable, with Part II.

~~Motor Vehicle Dealers Act~~

175. Subsection 2 (1) of the *Motor Vehicle Dealers Act* is repealed and the following substituted:

Registrar

(1) The Deputy Minister shall appoint a person as the Registrar of Motor Vehicle Dealers and Salesmen.

ONTARIO NEW HOME WARRANTIES PLAN ACT

176. Section 3 of the *Ontario New Home Warranties Plan Act* is amended by adding the following subsections:

Deputy Registrars

(2) The Corporation may appoint one or more Deputy Registrars who have and may exercise the powers and duties of the Registrar that the Registrar specifies.

References to Registrar

(3) If the Registrar so specifies, references in this Act and the regulations to the Registrar shall be deemed to refer to a Deputy Registrar.

177. The Act is amended by adding the following section:

Liability of vendor

15.1 For the purposes of sections 13 and 14, a person, who at any time has registered as a vendor under this Act with respect to a home, for which the builder has complied with section 12 and has substantially completed the construction, shall be deemed to be a vendor of the home even if another person sells the home to an owner or completes a transaction to sell the home to an owner.

178. Section 21 of the Act is repealed and the following substituted:

Certificate of evidence

21. The following statements are admissible in evidence as proof, in the absence of evidence to the contrary, of the facts stated in them for all purposes in any proceeding or prosecution, without the need for proving the office or signature of the Registrar, if the statements purport to be certified by the Registrar:

REGISTRY ACT

195. Section 3 of the *Registry Act* is amended by striking out "prescribed" in the fourth line and substituting "specified".

196. (1) Subsection 4 (2) of the Act is amended by striking out the portion before clause (a) and substituting the following:

(2) The Minister may by regulation,

.

(2) Subsection 4 (2) of the Act is further amended by adding the following clause:

(0.a) describing the registry divisions.

197. (1) Subsection 5 (1) of the Act is amended by striking out "Subject to subsection (2)" in the first line.

(2) Subsection 5 (2) of the Act is repealed.

198. (1) Subsection 6 (1) of the Act is amended by striking out "Minister" in the first line and substituting "Deputy Minister".

(2) The English version of subsection 6 (2) of the Act is amended by striking out "of Land Registration" in the first line.

(3) Subsections 6 (3) and (4) of the Act are repealed and the following substituted:

Powers of land registrars

(3) The Director or a representative of the Director may exercise any power or perform any duty of a land registrar under this or any other Act if of the opinion, having regard to the circumstances, that such action is necessary or appropriate.

199. Sections 8, 9, 10 and 11 of the Act are repealed and the following substituted:

Representatives of Director

8. The Director may appoint one or more public servants within the meaning of the *Public Service Act* as representatives of the Director, to whom the Director may delegate the powers and duties under this or any other Act that the Director specifies.

Appointment

9. (1) Subject to subsection (2), the Director may appoint public servants within the meaning of the *Public Service Act* as land registrars.

Number

(2) The Director shall appoint a land registrar for every registry division and every land titles division.

Form of appointment

(3) Every appointment mentioned in subsection (2) shall be for a specific division or divisions.

Representatives

(4) A land registrar for a registry division may appoint one or more public servants within the meaning of the *Public Service Act* as representatives to whom the land registrar may delegate the powers and duties under this Act that the land registrar specifies.

200. Section 13 of the Act is repealed and the following substituted:

Office hours

13. (1) Every land registry office shall be kept open, for the hours that the Director by order specifies, on every day except,

- (a) Saturday;
- (b) Sunday;
- (c) a day that is a holiday for civil servants as prescribed by the regulations under the *Public Service Act*; and
- (d) a day that the Director by order specifies.

Extension of time

(2) A day described in clauses (1) (a), (b), (c) or (d) shall be deemed to be a holiday for the purpose of clause 28 (i) of the *Interpretation Act*.

Registration of instruments

(3) The Director may by order specify the hours during which instruments may be received for registration; no instruments may be received for registration outside those hours except if,

- (a) the Director by order specifies that instruments may be received for registration outside those hours; and
- (b) the registrations are made in accordance with the conditions, if any, set out in the Director's order mentioned in clause (a).

Different hours

(4) The hours that the Director specifies under subsection (3) for receiving instruments for registration may be different from the hours that the Director specifies under subsection (1) for the opening of a land registry office.

Services when no registrations

(5) The Director may by order specify the services to be provided at land registry offices before or after the hours within which instruments are received for registration.

Scope of orders

(6) An order that the Director makes under this section may be limited to one or more land registry offices for one or more registry divisions.

Not regulations

(7) An order that the Director makes under this section is not a regulation within the meaning of the *Regulations Act*.

201. Section 14 of the Act is repealed.

202. (1) Subsections 15 (1), (2) and (3) of the Act are repealed.

(2) Subsection 15 (4) of the Act, as amended by the Statutes of Ontario, 1994, chapter 27, section 99, is further amended by striking out the portion before clause (a) and substituting the following:

(4) If the Minister has specified a fee, upon receiving the fee and a written request, the land registrar shall, in the required manner,

.

(3) The English version of subsection 15 (4) of the Act, as amended by the Statutes of Ontario, 1994, chapter 27, section 99, is further amended by striking out the portion after clause (c).

203. (1) Subsections 17 (1) and (2) of the Act are repealed.

(2) Subsection 17 (4) of the Act is amended by striking out "the fee prescribed" in the second line and substituting "the required fee".

204. (1) Paragraphs 1, 2, 3, 4 and 8 of subsection 18 (6) of the Act are repealed and the following substituted:

1. Wills or notarial copies of them.
2. Letters probate or notarial copies of them.

3. Letters of administration or notarial copies of them.
4. General appointments of new trustees or notarial copies of those appointments.
-
8. Powers of attorney or revocations of them, or notarial copies of powers of attorney or those revocations.

(2) Subsection 18 (6) of the Act, as amended by the Statutes of Ontario, 1993, chapter 27, Schedule, is further amended by adding the following paragraphs:

16. Certificates of appointment of estate trustees or notarial copies of those certificates.
17. Certificates of appointment of statutory guardians under the *Substitute Decisions Act*, 1992 or notarial copies of those certificates.

(3) Subsection 18 (8) of the Act is amended by striking out "the prescribed form" in the second line and substituting "the required form".

205. (1) Subsection 20 (1) of the Act is amended by striking out "in the prescribed form" in the first and second lines and substituting "in the required form".

(2) Subsection 20 (2) of the Act is amended by striking out "in the prescribed manner" in the fourth line and substituting "in the required manner".

(3) Subsection 20 (3) of the Act is amended by striking out "The Lieutenant Governor in Council" in the first line and substituting "The Minister".

(4) Despite subsection (3), the Lieutenant Governor in Council may by regulation revoke regulations made under subsection 20 (3) of the Act, as that subsection read immediately before subsection (3) comes into force, if the Minister makes a regulation under subsection 20 (3) of the Act, as amended by subsection (3), that is inconsistent with those regulations.

206. (1) Subsection 21 (2) of the Act is amended by striking out "in the prescribed manner" in the first and second lines and substituting "in the required manner".

(2) Subsection 21 (3) of the Act is repealed and the following substituted:

Property maps

(3) The Director shall, in the required manner, prepare property maps showing all properties and prepare the other required maps.

(3) Subsection 21 (4) of the Act is amended by striking out "in the prescribed manner" in the second line and substituting "in the required manner".

(4) Subsection 21 (5) of the Act is amended by striking out "in the prescribed manner" in the first and second lines and substituting "in the required manner".

(5) Subsection 21 (6) of the Act is repealed and the following substituted:

Other indexes and records

(6) The land registrar shall, in the required manner, maintain the other required indexes and records.

(6) Subsection 21 (7) of the Act, as amended by the Statutes of Ontario, 1993, chapter 27, Schedule, is further amended by striking out "in the prescribed manner" in the second line and substituting "in the required manner".

207. (1) Clause 22 (1) (b) of the Act is repealed and the following substituted:

(b) Part I of the *Land Registration Reform Act* and the regulations made under it.

(2) Clause 22 (4) (f) of the Act is amended by striking out "an affidavit" in the fourth line and substituting "a statement".

(3) Subsection 22 (7) of the Act is amended by adding the following clause:

(a.1) an amendment of a lease.

(4) Subsection 22 (11) of the Act is repealed and the following substituted:

Statement of good faith

(11) A notice registered under subsection (8) or (10) shall be accompanied by a statement of good faith in the prescribed form.

208. (1) Subclause 23 (a) (ii) of the Act is repealed and the following substituted:

- (ii) that contains or has attached to it material that does not, in the land registrar's opinion, affect or relate to an interest in land; and

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(2) Clause 23 (b) of the Act is repealed and the following substituted:

- (b) refrain from recording a part of a registered instrument if the part does not, in the land registrar's opinion, affect or relate to an interest in land.

209. Section 24 of the Act is repealed.

210. (1) Subsection 25 (1) of the Act is repealed.

(2) Clause 25 (3) (d) of the Act is repealed and the following substituted:

- (d) presented for registration together with a statement in the prescribed form made by a party to the instrument or by the party's solicitor, attorney under a registered power of attorney or registered notarial copy of a power of attorney, or heirs, executors, administrators or estate trustees, or, where the party is a corporation, by an officer of the corporation, stating that the instrument affects land within the registry division, and containing the information required by subsection (2).

(3) The English version of clause 25 (3) (e) of the Act is amended by striking out "declaration" in the fifth line and substituting "statement".

(4) The English version of subsection 25 (4) of the Act is amended by striking out "declaration" in the third line and substituting "statement".

211. Sections 28, 29 and 30 of the Act are repealed.

212. Subsection 31 (1) of the Act is repealed and the following substituted:

Power to administer oaths

(1) Every land registrar, by virtue of office, and every representative whom the land registrar specifies is a commissioner for taking affidavits for uses under this Act that relate to land in the registry division of the land registrar.

213. Section 32 of the Act is repealed and the following substituted:

Required statements

32. If this Act requires, as a condition for registration of an instrument, proof in the form of a statement, the form of the statement may be prescribed or may be approved by the Director if none is prescribed.

214. Section 36 of the Act is repealed.

215. Subsection 37 (1) of the Act is repealed.

216. Clause 38 (1) (d) of the Act is repealed and the following substituted:

- (d) a notarial copy of the certificate, the certified copy or the original judgment or order.

217. Clause 39 (a) of the Act is repealed and the following substituted:

- (a) a copy of an instrument certified by the land registrar in whose office the instrument is registered.

218. Section 42 of the Act is repealed.

219. (1) Subsection 44 (2) of the Act is amended by striking out the portion before clause (a) and substituting the following:

- (2) The Minister may make regulations,

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(2) Despite subsection (1), the Lieutenant Governor in Council may by regulation revoke regulations made under subsection 44 (2) of the Act, as that subsection read immediately before subsection (1) comes into force, if the Minister makes a regulation under subsection 44 (2) of the Act, as amended by subsection (1), that is inconsistent with those regulations.

220. (1) Subsection 46 (1) of the Act is repealed and the following substituted:

Instrument executed by attorney

(1) Subject to subsection (1.1), no instrument purporting to be signed or executed by any person by attorney shall be registered unless, at or before the time of registration,

- (a) the original power of attorney, a notarial copy of it or a copy certified for registration under section 39

is registered in the land registry office where the instrument is tendered for registration; and

- (b) the date of registration and registration number of the original, the notarial copy or the certified copy, as the case may be, are indicated in the body or margin of the instrument tendered for registration.

Other proof

(1.1) If the power of attorney, a notarial copy of it or a certified copy cannot be produced, proof may be made before a judge of the Ontario Court (General Division) of the execution of the instrument and, if the judge signs a certificate in the prescribed form endorsed on the instrument and the instrument is otherwise capable of registration, the land registrar shall register the instrument and certificate.

- (2) Subsection 46 (2) of the Act is repealed.

221. Section 47 of the Act, as amended by the Statutes of Ontario, 1993, chapter 27, Schedule, and 1994, chapter 27, section 43, is repealed and the following substituted:

Order dispensing with statement

47. (1) If an instrument that is otherwise capable of registration is not accompanied by a statement that this Act requires or is accompanied by an incomplete or defective statement, a person who is or claims to be interested in the registration of the instrument may apply to a judge of the Ontario Court (General Division) for an order dispensing with the statement.

Grounds for order

(2) The judge may grant the order if the applicant proves that,

- (a) the required statement cannot be obtained conveniently; and
- (b) the facts were as are required to be stated by the statement.

Certificate

(3) On granting an order, the judge shall endorse on the instrument or securely attach to it a certificate, in the prescribed form, stating the facts that have been proven to the judge's satisfaction, and the certificate shall be received in lieu of the required statement.

222. (1) Subsection 48 (4) of the Act is amended by striking out "an affidavit" in the sixth and seventh lines and substituting "a statement".

(2) Subsection 48 (5) of the Act is amended by striking out "an affidavit" in the fourth and fifth lines and substituting "a statement".

223. (1) Subsection 49 (1) of the Act is repealed and the following substituted:

Particulars of registration

(1) A land registrar who receives and accepts an instrument for registration shall number it consecutively in the order of receiving instruments accepted for registration and requisitions accepted for deposit and shall note on each instrument accepted for registration the particulars of registration in the manner that the Director specifies.

(2) Subsections 49 (3), (4) and (5) of the Act are repealed and the following substituted:

Priorities

(3) For the purpose of section 71, priorities shall be determined in accordance with the respective registration numbers.

Other registration numbers

(4) A separate series of registration numbers may be used for plans of subdivision.

224. Subsections 50 (1) and (2) of the Act are repealed and the following substituted:

Manner of registration

(1) Upon accepting an instrument for registration, the land registrar shall,

- (a) register it in the manner that the Director specifies;
- (b) record it in the proper index or indexes in the manner that the Director specifies;
- (c) except as provided by the regulations, cause it to be recorded on photographic film or by any other means of image recording that the Director specifies; and
- (d) in the manner that the Director specifies, preserve it and all recorded copies of it that the Director requires.

225. (1) Clause 53 (1) (a) of the Act is repealed and the following substituted:

- (a) the original will or a notarial copy of it with,

- (i) a statement by one of the subscribing witnesses to the will proving the due execution of it by the testator, if it is not a holograph will,
- (ii) a statement by a person well acquainted with the testator attesting to the handwriting and the signature of the testator on the will, if the will is a holograph will, and
- (iii) a statement that the testator died on or about a specified date, made by any person who has personal knowledge of that fact, or a death certificate under the *Vital Statistics Act* in respect of the death of the testator.

(2) Subsection 53 (2) of the Act is repealed.

226. Section 54 of the Act is repealed and the following substituted:

Letters of administration

54. Letters of administration and certificates of appointment of estate trustees without a will that under the *Estates Administration Act* affect land shall be registered in the same manner as a probate of a will.

227. Section 55 of the Act is amended by striking out "or administrator" in the fourth and fifth lines and substituting "administrator or estate trustee" and by striking out "or the letters of administration" in the eleventh and twelfth lines and substituting "the letters of administration or certificate of appointment of the estate trustee".

228. (1) Subsection 56 (1) of the Act is amended by inserting "estate trustee" after "administrator" in the fourth line.

(2) Subsections 56 (2), (3), (4) and (5) of the Act are repealed.

(3) Subsection 56 (6) of the Act, as amended by the Statutes of Ontario, 1993, chapter 27, Schedule, is repealed.

(4) Subsections 56 (8), (10) and (12) of the Act are repealed and the following substituted:

Deletion of entries

(8) If the land registrar is satisfied that a registered instrument purporting to discharge a mortgage validly discharges the land described in the discharging instrument from any claim arising under the mortgage or under any other instrument relating exclusively to the mortgage, the land registrar shall,

- (a) delete from the abstract index, in the manner that the Director specifies, the entry of the mortgage and all other instruments relating exclusively to the mortgage; or
- (b) make an entry in the abstract index in the manner that the Director specifies indicating that the entry of the mortgage and all other instruments relating exclusively to the mortgage is deleted.

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Effect of deletion

(10) If the land registrar has complied with subsection (8), the land described in the discharging instrument is not affected by any claim under the mortgage or under any other instrument relating exclusively to the mortgage.

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Instruments under s. 30

(12) Subsections (8) to (11) apply with necessary modifications to instruments mentioned in section 30, as that section read immediately before section 211 of the *Red Tape Reduction Act (Ministry of Consumer and Commercial Relations)*, 1997 comes into force, and to every instrument purporting to discharge one of those instruments.

(5) Subsection 56 (12) of the Act, as re-enacted by subsection (4), is amended by striking out "section 211 of the *Red Tape Reduction Act (Ministry of Consumer and Commercial Relations)*, 1997 comes into force" and substituting the date that section 211 comes into force.

229. The English version of clause 57 (c) of the Act, as amended by the Statutes of Ontario, 1993, chapter 27, Schedule, is further amended by striking out "declaration" in the fifth line and substituting "statement".

230. Subsection 58 (3) of the Act is amended by inserting "estate trustee" after "legal personal representative" in the fifth line.

231. Section 62 of the Act is amended by inserting "estate trustee" after "administrator" in the sixth line.

232. Section 63 of the Act is repealed and the following substituted:

Effect of registration of discharge of mortgage

63. (1) If a certificate of discharge under this Act and the regulations that complies with Part I of the *Land Registration*

Reform Act and the regulations made under it is registered for a mortgage described in subsection (2), the certificate is valid and effectual as a conveyance to the mortgagor, the heirs or assigns of the mortgagor of the mortgagor's original estate in the mortgaged land or in the part of the land described in the certificate, as the case may be.

Mortgage predating

(2) Subsection (1) applies to a mortgage executed,

- (a) before September 6, 1984, in the case of a mortgage affecting land in the County of Oxford as it existed on December 31, 1980; or
- (b) before January 17, 1985, in the case of a mortgage affecting land elsewhere in Ontario.

233. (1) Subsections 65 (4) and (5) of the Act are repealed.

(2) Subsection 65 (6) of the Act is repealed and the following substituted:

Effect of certificate

(6) A certificate of payment in full of a mortgage described in subsection (6.1), when registered, is as valid and effectual in law as a release of the mortgage and as a conveyance of the original estate of the mortgagor that is executed by the execution debtor and made to the mortgagor, the heirs, executors, administrators, estate trustees or assigns of the mortgagor, or any person lawfully claiming by, through or under the mortgagor or the heirs, executors, administrators, estate trustees or assigns of the mortgagor.

Mortgage predating

(6.1) Subsection (6) applies to a mortgage executed,

- (a) before September 6, 1984, in the case of a mortgage affecting land in the County of Oxford as it existed on December 31, 1980; or
- (b) before January 17, 1985, in the case of a mortgage affecting land elsewhere in Ontario.

234. Section 66 of the Act is amended by inserting ", as that section read immediately before", followed by the date on which section 211 of the *Red Tape Reduction Act (Ministry of Consumer and Commercial Relations)*, 1997 comes into force, after "section 30" in the second line.

235. Section 68 of the Act is repealed and the following substituted:

Instruments re changes in municipal boundaries

68. Every order of the Ontario Municipal Board, the Lieutenant Governor in Council under the *Municipal Boundaries Negotiations Act* or other instrument whereby a city, town, village, township or improvement district becomes incorporated, or the boundaries of a municipality are enlarged, diminished or altered, may be registered in the proper land registry office.

236. Section 73 of the Act is amended by inserting "estate trustees" after "administrators" in the second and third lines and by striking out "or administrators" in the fifteenth and sixteenth lines and substituting "administrators or estate trustees".

237. (1) Clause 74 (2) (b) of the Act is amended by striking out "subsection 24 (2)" in the second line and substituting "section 25".

(2) Subsection 74 (3) of the Act is repealed and the following substituted:

Deemed notice

(3) For the purposes of subsection (1), the registration of a notice under section 113 or a statement under section 25 constitutes registration of the instrument referred to in the notice or statement.

238. Clause 76 (2) (b) of the Act is repealed and the following substituted:

- (b) make, date and certify the necessary entries, alterations or corrections in the manner that the Director specifies.

239. Section 77 of the Act is repealed and the following substituted:

Deemed registration

77. An instrument capable of and properly proved for registration shall be deemed to be registered when the land registrar has accepted it for registration in accordance with the regulations and no alteration may be made to it after that time.

240. Section 82 of the Act is repealed and the following substituted:

Plan index

82. The land registrar shall keep a plan index in the form that the Director specifies.

241. (1) Subsection 86 (1) of the Act is amended by striking out "an affidavit" in the eighth line and substituting "a statement".

(2) Subsection 86 (2) of the Act is amended by striking out "affidavit" in the fourth line and substituting "statement".

242. (1) Clause 97 (c) of the Act is amended by striking out "deputy" at the end and substituting "representative".

(2) Clause 97 (d) of the Act is repealed.

(3) Clause 97 (g) of the Act is repealed and the following substituted:

other duties

(g) perform the other duties that the Minister prescribes.

243. Section 100 of the Act is repealed and the following substituted:

Director's orders

100. (1) The Director may make orders specifying anything that subsection 49 (1), 50 (1), 56 (8) or 76 (2) or section 105 or 108 requires or authorizes the Director to specify.

Not regulations

(2) An order made by the Director under subsection (1) is not a regulation within the meaning of the Regulations Act.

244. The Act is amended by adding the following section:

POWERS OF MINISTER

Minister's orders

101.1 (1) Except with respect to matters for which the Director may make orders under section 100, the Minister may make orders,

1. conferring on the Director the powers that are necessary for carrying out the provisions of this Act or any other Act relating to the duties of the land registrars;
2. specifying the manner in which land is to be divided into blocks and properties;
3. specifying the manner in which property maps and other maps are to be prepared and maintained, and specifying those other maps;
4. specifying the manner in which property identifiers are to be assigned;

5. specifying the manner in which the abstract index is to be created and maintained;
6. specifying other indexes and records and the manner in which they are to be maintained for the purpose of subsection 21 (6);
7. governing the content of alphabetical or deposit indexes and dispensing with the indexes in any registry division;
8. specifying the form and manner in which entries in the records of land registry offices are to be made;
9. specifying the manner in which instruments are to be entered for the purpose of subsection 21 (7).
10. specifying the manner in which entries are to be certified;
11. specifying methods and standards of recording by photographic film or image recording and providing for the storage of the film or the image recording;
12. specifying methods and standards for computer entry, storage and retrieval of information;
13. governing the custody, disposition and destruction of instruments and records of land registry offices;
14. specifying the manner in which instruments, documents, books, public records and facsimiles of them are to be produced for inspection;
15. specifying the manner in which copies of instruments, documents, books and public records are to be produced and certified;
16. requiring that printed copies of the abstract index relating to land in the parts of Ontario designated under Part II of the *Land Registration Reform Act*, be produced at specified times and specifying the times at which they are to be produced;
17. requiring the payment of fees to land registrars upon the performance of any official function under this Act and specifying the amounts of the fees;
18. specifying the manner in which fees under this Act are to be paid, authorizing land registrars to require the prepayment of classes of fees by cash deposits and specifying classes of fees for that purpose;

19. specifying classes of users who may pay fees under this Act by means of credit accounts rather than on the basis of prepayment or payment at the time the service is rendered;
20. requiring land registrars to assign to persons who ask to search the records of the land registry office account numbers and other identification to enable them to do so;
21. specifying the method in which fees and other receipts of a land registry office shall be collected, kept and accounted for.

Not regulations

(2) An order made by the Minister under subsection (1) is not a regulation within the meaning of the *Regulations Act*.

245. (1) Section 102 of the Act is repealed and the following substituted:

Regulations

102. (1) The Minister may make regulations,

1. prescribing anything that by this Act is required to be prescribed by the regulations, other than forms and provisions for their use;
2. prescribing the minimum and maximum dimensions of instruments tendered for registration;
3. respecting the quality of writing and material used in instruments tendered for registration and in copies required by this Act;
4. requiring, in connection with an instrument presented for registration, proof of compliance with any law that if not complied with might detrimentally affect the title or interest of a person claiming title or an interest under the instrument, and governing the form and manner of presentation of that proof;
5. prescribing classes of instruments for the purpose of clause 25 (3) (f);
6. designating instruments or documents or classes of them to which clause 50 (1) (c) does not apply;
7. governing surveys, plans and descriptions of land and procedures related to them for the purposes of the *Boundaries Act*, the *Certification of Titles Act*, the *Condominium Act*, the *Land Titles Act* and this Act and

specifying the powers and duties of the examiner of surveys;

8. designating certification areas for the purpose of subsection 78 (10);
9. prescribing the manner in which sketches referred to in subsection 81 (2) are to be prepared;
10. governing the correction of errors, defects and omissions in registered and deposited plans;
11. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act, other than a matter mentioned in subsection (2) or section 13, 100 or 101.1.

Director's regulations

(2) The Director may make regulations prescribing forms and providing for their use.

Scope of regulations and orders

102.1 The application of any provision of an order made by the Director under section 100, an order made by the Minister under section 101.1, or a regulation made under section 102 may be limited to one or more registry divisions or one or more part or parts of a registry division or divisions.

(2) Despite subsection (1), regulations made under paragraph 3, 5, 10, 11, 12, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 or 31 of subsection 102 (1) of the Act, as those paragraphs read immediately before subsection (1) comes into force, continue until,

- (a) the Director makes an order under section 100 of the Act, as re-enacted by section 243, that is inconsistent with those regulations; or
- (b) the Minister makes an order under section 101.1 of the Act, as enacted by section 244, that is inconsistent with those regulations.

(3) Despite subsection (1), the Lieutenant Governor in Council may by regulation revoke regulations made under paragraph 3, 5, 10, 11, 12, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 or 31 of subsection 102 (1) of the Act, as those paragraphs read immediately before subsection (1) comes into force, if,

- (a) the Director makes an order under section 100 of the Act, as re-enacted by section 243, that is inconsistent with those regulations; or

- (b) the Minister makes an order under section 101.1 of the Act, as enacted by section 244, that is inconsistent with those regulations.

(4) Despite subsection (1), the Lieutenant Governor in Council may by regulation revoke regulations made under paragraph 4, 6, 7, 8, 9, 13, 15, 16, 30, 32 or 34 of subsection 102 (1) of the Act, as those paragraphs read immediately before subsection (1) comes into force, if,

- (a) the Minister makes a regulation under subsection 102 (1) of the Act, as re-enacted by subsection (1), that is inconsistent with those regulations; or
- (b) the Director makes a regulation under subsection 102 (2) of the Act, as enacted by subsection (1), that is inconsistent with those regulations.

246. (1) Subsection 103 (1) of the Act is amended by striking out "Lieutenant Governor in Council" in the second and third lines and substituting "Minister".

(2) Despite subsection (1), the Lieutenant Governor in Council may by regulation revoke regulations made under subsection 103 (1) of the Act, as that subsection read immediately before subsection (1) comes into force, if the Minister makes a regulation under subsection 103 (1) of the Act, as amended by subsection (1), that is inconsistent with those regulations.

(3) Subsection 103 (2) of the Act is repealed.

(4) Despite subsection (3), the Lieutenant Governor in Council may by regulation revoke regulations made under subsection 103 (2) of the Act, as that subsection read immediately before subsection (3) comes into force, if the Minister makes a regulation under paragraph 7 of subsection 102 (1) of the Act, as re-enacted by subsection 245 (1), that is inconsistent with those regulations.

247. (1) Section 104 of the Act is repealed.

(2) Despite subsection (1), regulations made under section 104 of the Act, as that section read immediately before subsection (1) comes into force, continue until the Director makes an order under section 13 of the Act, as re-enacted by section 200, that is inconsistent with those regulations.

(3) Despite subsection (1), the Director may by regulation revoke regulations made under section 104 of the Act, as that section read immediately before subsection (1) comes into force, if the Director makes an order under section 13 of the Act, as

re-enacted by section 200, that is inconsistent with those regulations.

248. Section 105 of the Act is repealed and the following substituted:

Definition

105. In this Part,

"document" includes,

- (a) a plan of survey;
- (b) any certificate, affidavit, statutory declaration or other proof as to the birth, baptism, marriage, divorce, death, burial, descendants or pedigree of any person, or as to the existence or non-existence, happening or non-happening of any fact, event or occurrence upon which the title to land may depend;
- (c) a notice of sale, or other notice necessary to the exercise of any power of sale or appointment or other power relating to land;
- (d) a receipt for payment of money under a registered instrument; and
- (e) a notarial copy of a certificate, affidavit, statutory declaration, proof, notice or receipt described in this section that the Director specifies.

249. Section 107 of the Act is repealed and the following substituted:

Requisition on deposit

107. On every deposit, the person making the deposit shall deliver to the land registrar a requisition in the prescribed form containing a description of the land to which the deposit relates that complies with section 25.

250. (1) Subsection 108 (1) of the Act, as amended by the Statutes of Ontario, 1993, chapter 27, Schedule, is repealed and the following substituted:

Record of deposit

(1) On receiving and accepting a requisition for a deposit under section 107, the land registrar shall deposit and record it in the manner that the Director specifies.

(2) Subsections 108 (2) and (3) of the Act are repealed and the following substituted:

Numbering

(2) The land registrar shall number each deposit consecutively in the order of receiving instruments accepted for registration and requisitions accepted for deposit and shall note on each deposit the particulars of receipt in the manner that the Director specifies.

251. (1) Subclause 109 (2) (a) (ii) of the Act is repealed and the following substituted:

(ii) that contains or has attached to it material that does not, in the land registrar's opinion, relate to an interest in land; and

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(2) Clause 109 (2) (b) of the Act is repealed and the following substituted:

(b) refrain from recording a part of a deposited document if the part does not, in the land registrar's opinion, relate to an interest in land.

252. Subsection 110 (2) of the Act is amended by inserting "estate trustee" after "administrator" in the first line.

~~REPAIR AND STORAGE LIENS ACT~~

253. Subsection 9 (1) of the *Repair and Storage Liens Act* is repealed and the following substituted:

Registration of documents

(1) A claim for lien or charge statement to be registered under this Part shall be in the required form and may be tendered for registration at a branch office established under Part IV of the *Personal Property Security Act*, or by mail addressed to an address required under that Act.

254. (1) Subsection 24 (3) of the Act is repealed and the following substituted:

Form

(3) The application shall be in the required form and may include an offer of settlement.

(2) Subsection 24 (5) of the Act is amended by striking out "the prescribed form" in the fourth and fifth lines and substituting "the required form".

- ~~(a) set and collect fees for services that the Registrar General provides under this Act; and~~
- (b) provide for the waiver of payment of those fees in favour of any person or class of persons.

291. (1) Clause 60 (1) of the Act is repealed and the following substituted:

- (1) prescribing the fees to be paid for anything done or permitted to be done under this Act, other than for services provided by the Registrar General, and providing for the waiver of payment of those fees in favour of any person or class of persons.

(2) Clause 60 (r) of the Act is repealed.

(3) Despite subsection (1), regulations made under clause 60 (1) of the Act, as that clause read immediately before that subsection comes into force, continue until the Registrar General makes an order under section 59.1 of the Act, as enacted by section 290, that is inconsistent with those regulations.

(4) Despite subsection (1), the Lieutenant Governor in Council may by regulation revoke regulations made under clause 60 (1) of the Act, as that clause read immediately before that subsection comes into force, if the Registrar General makes an order under section 59.1 of the Act, as enacted by section 290, that is inconsistent with those regulations.

COMMENCEMENT AND SHORT TITLE

Commencement

292. (1) Subject to subsections (2), (3) and (4), this Act comes into force on the day it receives Royal Assent.

Same, proclamation

(2) Sections 5 to 16, 20 to 38, 57 to 88, 117, 126, 145, 154, 155, 156, 157, 158, 171, 172, 173, 223 and 250 come into force on a day to be named by proclamation of the Lieutenant Governor.

Same, other date

(3) Sections 137 and 201 come into force 60 days after this Act receives Royal Assent.

Same, other date

(4) Sections 124, 142, 143 and 144 come into force 180 days after this Act receives Royal Assent.

Short title

293. The short title of this Act is the *Red Tape Reduction Act (Ministry of Consumer and Commercial Relations), 1997*.