



Ministry of  
Consumer and  
Commercial Relations

Ministère de  
la Consommation  
et du Commerce

## ***Title and Survey Services***

14 January, 2000

**EM200001**

MEMO TO: Land Registrars  
Regional Managers  
Regional Surveyors  
ER Team  
Head Office Staff

FROM: Kate Murray  
Director of Titles

RE: **BILL 11 – *The Red Tape Reduction Act, 1999***

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Bill 11, *The Red Tape Reduction Act, 1999* received Royal Assent on December 22, 1999. The changes that were introduced as a result of this legislation are listed below.

### **Land Titles Act**

**Section 75** Section 75 is amended to provide that a party who has a registered interest in land may make an application to amend the parcel register. This is not always the registered owner. For example, a mortgagee who wishes to register a foreclosure order will make an application to amend the register under this section.

**Subsection 165(4)** This subsection is amended by removing the requirement for a written request for producing, copying and certifying instruments, since many of these services are now delivered by self-service. This is a housekeeping amendment which brings the legislation in line with office practices.

### **Registry Act**

**Subsection 15(4)** This subsection is amended by removing the requirement for a written request for producing, copying and certifying instruments, since many of these services are now delivered by self-service. (The same comments apply as to subsection 165(4) under the *Registry Act*.)

**Subsection 18(6)** This subsection is amended by adding a paragraph to allow the Minister to prescribe additional documents which can be registered in the G.R. An example of this is an appointment of a receiver manager or the winding up of a credit union under the *Credit Unions and Caisses Populaire Act*. We will provide you with the Minister's regulation when it has been approved and signed.

**Section 38** This section is amended by providing that court orders or judgements cannot be registered unless they are accompanied by a solicitor's statement that the order is still in full force and effect and has not been stayed and that the order affects the

land mentioned in the order. This is the same provision as provided in the regulation under the *Land Titles Act*. This will be enforced once the bulletin on the amendments is issued.

**Subsection**

**53(1)(a)(iii)**

This subsection is amended to provide that, in addition to the other requirements of this section, where an original will or notarial copy of a will is registered, one of the requirements is that there be:

- a statement that the testator died on a specified date, made by any person who has personal knowledge of that fact (This portion is unchanged).
- a death certificate under the *Vital Statistics Act*, or a notarial copy of the certificate. (There was no provision for the registration of a notarial copy of the death certificate).
- A certificate in respect of the death issued from a funeral director, or a notarial copy of the certificate. (This is a new provision under the *Registry Act*).

**Subsection 67(1)**

This subsection is amended to include a certificate under the *Housing Development Act* as an instrument that can be deleted when a valid discharge has been registered.

**Section 67**

This section was amended to provide that deletions of the instruments in this section should be made in the manner prescribed by the Director. This direction will be distributed with the bulletin. The amendment provides that an instrument in this section may be effectively discharged by deleting it from the abstract index (i.e. either ruling off in the paper system or using the delete function in the automated system), or by making an entry in the abstract index that the entry is deleted (i.e. PDFR – frozen books).

In addition, a new subsection was added, to provide that where a valid discharge of an instrument in this section is registered, the land registrar may, before the expiry of the two-year period, delete the instrument and its discharge in the manner prescribed. Land Registrars may instruct their staff to commence deleting these documents immediately upon the registration of a valid discharge. If the discharge registered is deficient, it should be abstracted in the normal manner and neither it nor the document it refers to should be deleted. This is the same process that would be followed when abstracting a deficient discharge of mortgage.

**Subsection 76(2)**

This subsection was amended to give the Director some flexibility in deciding when notice must be given in cases where errors or omissions are found in the abstract index. In most situations the normal process of serving notice will apply, however, depending on the record, the appropriate action may not always be to serve notice immediately.

These amendments are effective immediately. Please advise your staff. A bulletin will be issued and copies of Bill 11 will be sent to you under separate cover.

Cc Ian Veitch  
Legal Services Branch  
Juliet Slemming, Teranet

