



Ministry of Government Services
ServiceOntario

Policy and Regulatory Services
Branch

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***Land Titles Act
Land Registration
Reform Act***

DATE: OCTOBER 8, 2008

- 1. Notice under S. 71 of the *Land Titles Act***
- 2. Application for Restrictions based on Court Order**
- 3. Crown Lease *Public Lands Act***
- 4. No Dealings Indicator Information and Changes**

**TO: ALL LAND REGISTRARS
AND
USERS OF THE ELECTRONIC
LAND REGISTRATION SYSTEM**

The purpose of this Bulletin is to advise you of some changes being made to certain document types, some new statements being made available in documents created electronically and some new document types that are being made available.

These changes are being put in place to supplement existing systems functionality as well as supporting the ongoing work being done by the Ministry and Teranet Inc. on updating the automated land registration system.

1) Notice under S. 71 of the Land Titles Act

A change is required to the electronic document currently called "Notice under S.71 of the Land Titles Act". This change results in the name of the electronic document being changed to "Notice" and a statement being added to identify the legislative authority for the Notice. A "Notice under S. 71 of the Land Titles Act" is currently abstracted on the parcel register as "Notice". Once the name of the electronic document is changed to "Notice", the document will continue to be abstracted as "Notice" on the parcel register.

These changes are being implemented in a two-step process in order to minimize the impact on work in progress documents. The changes are scheduled for implementation as follows:

Effective on October 13, 2008 the name of the document called "Notice under S.71 of the Land Titles Act" will be changed to "Notice" and the following non-law statement will be available for selection:

3550 This Notice is pursuant to Section 71 of the *Land Titles Act*.

It is recommended that the above statement be selected on Notices as soon as it is available for selection on October 13, 2008. However, it will not be mandatory until November 10, 2008 at which time further changes are being implemented to enforce the selection of statement 3550 in a "Notice".

Transition Information:

1a) Documents that are Work in Progress –on October 13, 2008

Any document entitled "Notice under S.71 of the Land Titles Act" that is in a Work In Progress Folder will be affected only insofar as the name of the document will be changed. Signatures will not be removed but statement 3550 will be available for selection, if desired. As with other changes to signed documents, the selection or removal of a statement, including new statement 3550 or with the change to any information, all signatures will be removed and the document will require resigning prior to submitting for registration.

1b) Documents that have been Received but Not Certified on October 13, 2008

Any document entitled "Notice under S.71 of the Land Titles Act" that has been received but not yet certified on October 13, 2008 will be affected by the change of the document name. This change will take place when the document is certified by land registry office staff and the process of changing the document from "Received" to "Registered" occurs. Any "Notice" that does not indicate that it is registered pursuant to section 71 of the *Land Titles Act* will not be returned for correction for that reason and will be treated as having been registered under Section 71 of the *Land Titles Act*.

1c) "Notice" Documents Received between October 13, 2008 and November 10, 2008

With the introduction of the new statement 3550 and with the change of document name, a "Notice" document submitted for registration between October 13, 2008 and November 10, 2008 may or may not include statement 3550. A "Notice" document will not be returned for correction for the inclusion of statement 3550 and will be treated as having been registered under Section 71 of the *Land Titles Act*.

1d) Documents that are Work in Progress on November 10, 2008

Effective November 10, 2008 any "Notice" document that is in a Work In Progress Folder that does not have statement 3550 selected will not pass the systems validation checks when signing the document. The following message will be received and statement 3550 will be required to be selected before the document can be signed and submitted for registration.

Missing instrument level statement: 3550.

As with other changes to signed documents, the selection or removal of a statement, including new statement 3550 or with the modification of any information, all signatures will be removed and the document will require resigning prior to submitting for registration.

2) Application For Restrictions Based On Court Order

There is a new document being created for registration electronically, or when registering in paper in an office that does not have mandatory electronic registration. This document is to be used when registering an Order from the Court that imposes restrictions on dealing with a property. Generally these courts orders are known as Restraining Orders and they often restrict a property or properties from being encumbered or disposed of. When this document is used, the No Dealings

Indicator will be enabled on the PIN(s). The document name will be abstracted on PIN(s) as "RESTRICTIONS ORDER".

The information below sets out what statements are available or are required in the new "Application For Restrictions Based On Court Order" document and the following will be added to the next release of the Electronic Registration Procedural Guide.

Property

Once the PIN has been entered, data from the Property file in POLARIS is imported into the document. If the application affects more than one PIN, enter each PIN.

Party From

Enter the name of the court.

Applicant

Enter the name(s) of the applicant(s).

Statement

For an Application For Restrictions Based On Court Order, the Order must form part of the application and the following statement must be selected. The order may be imported as a txt, tif or a pdf format. This statement is a law statement and can only be signed for completeness by a legal account holder.

3721 The applicant applies to register the following order insert order. The order is still in full force and effect

The title related restriction being imposed must be set out in the following statement. This statement is a law statement and can only be signed for completeness by a legal account holder.

3750 The court order contains the following title related restriction: Insert restriction.

Additional Statement

The following statement is optional.

61 Schedule: Text

The following statement is also available.

3730 This document relates to registration number number(s).

Land Transfer Tax

Land transfer tax is optional and would only be used if the order has the effect of transferring land and creating a restriction.

Authority

For more information on the proper authorization of documents, see General Requirements, Authorization of Documents section of the Electronic Registration Procedures Guide.

Signatories

Once the document has been created, select Instrument from the menu bar, select Sign from the drop down list. This screen provides for the authorization of the completeness and release of the document.

A Court Order type document is required to be electronically signed on behalf of the applicant by his/her solicitor. See General Requirements, Signatories section of the Electronic Registration Procedures Guide.

3) Crown Lease *Public Lands Act*

This new document is being created for registration and is to be used when a Crown Lease Patent is issued by the Ministry of Natural Resources (MNR) on Crown Lands. This document can only be registered in paper format as it will result in the PIN(s) being created. Once the PIN(s) are created, subsequent documents can be registered electronically. The document name will display on PINs as "CROWN LEASE PLA". Crown leases under the *Public Lands Act* have clauses within the lease that the lessee must not assign, sublet, dispose of, or charge the leasehold parcel, unless the appropriate Minister consents in writing. Therefore this document will also enable the No Dealings Indicator on title to the PIN(s) created by this document.

4) No Dealings Indicator Information and Changes

In the automated system, a "No Dealings Indicator" is available and may be placed on a parcel for various reasons. It could be a result of an investigation that the Land Registrar is doing on the property while a determination is made whether a Land Registrar's Caution needs to be registered on title to the property. It could also be as a result of the registration of a Land Registrar's Caution or the registration of one of the document types listed below. Once a No Dealings Indicator has been placed on the property, it has the effect of preventing most registrations. It is important to note that certain documents are permitted to be registered even though the No Dealings Indicator has been placed on a parcel. As a result the system has been designed in such a way that documents are allowed to be receipted, even when a No Dealings Indicator is on title, when specific statements (see below) are made or when certain documents are registered.

The type of registered document that places the No Dealings Indicator on title determines the type of document that is prevented from registration without first making one of the statements set out below in 4a) or 4b). For example, if a Caution-Charge is registered on a parcel the intent of the document is to restrict dealings with the charge and therefore, a discharge is prevented unless one of the statements below in 4a) or 4b) is selected in the discharge. If the parcel has a Caution-Land registered on it, the intent of the document is to restrict dealings with the land, however another Caution – Land would not be restricted so as to allow for other interests to be protected and therefore one of the statements below in 4a) or 4b) is not required for that document to be receipted.

In addition, in certain types of documents a statement referenced below in 4a) or 4b) is not required to be selected in order for the registration to occur. One example is a Construction Lien. A Construction Lien is not prevented because of the statutory requirement to register within a specified time frame in order for the lien to be preserved.

The following list of document types are documents that cause the No Dealings Indicator to be placed on a property for which the selection of the new or existing statements referenced below may allow the registration of subsequent documents.

Annex Restrictive Covenants S.118-Charge, displays on PIN as: RESTRICTION - CH
Application For Inhibiting Order-Charge, displays on PIN as: APL INH ORDR-CHRG
Application For Inhibiting Order-Land, displays on PIN as: APL INH ORDR-LAND
Application For Restrictions Based On Court Order, displays on PIN as: RESTRICTIONS ORDER
Application To Annex Restrictive Covenants S.118, displays on PIN as: RESTRICTION-LAND
Caution-Charge, displays on PIN as: CAUTION-CHARGE
Caution-Charge (Bankruptcy & Insolvency Act), displays on PIN as: CAUTION CH BKRUPT

Caution-Land, displays on PIN as: CAUTION-LAND
Caution-Land (Bankruptcy & Insolvency Act), displays on PIN as: CAUTION LND BKRUPT
Caution-Land (Estates Administration Act), displays on PIN as: CAU-LND EST ADMIN
Crown Lease (Public Lands Act), displays on PIN as: CROWN LEASE PLA

4a) New Statements Related to the No Dealings Indicator

In addition to the statements set out in the General Requirements of the Electronic Registration Procedures Guide, and reproduced below, selection of one of the following three new statements will allow certain documents to be registered when a parcel register has an active “No Dealings” Indicator on the title. The statements shown in **bold font** are law statements and can only be signed for completeness by a legal account holder.

- 3755** In accordance with registration number, the consent of Name has been obtained for the registration of this document.
- 3756** The registration of this document is not prohibited by registration number.
- 3757 In accordance with registration number, Name has consented to the registration of this document. Import Consent

NOTE: If the consent is in form of a Court Order, a free-form text law statement in Statement 61 must be included to indicate that the Court Order is in full force and effect.

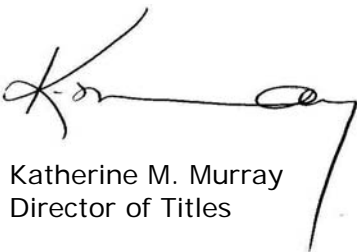
4b) Existing Statements

- 3726** Name has consented to the registration of this document, subject to the continuance of registration no. number.
- 3733** Registration of this document is not prohibited by registration no. number, which prevents dealing with charge number number.
- 3741** This document is being registered pursuant to Inhibiting Order instrument no.

The addition of these three new statements will work in conjunction with the existing statements to be used in situations where, for example, a Restriction under S. 118 of the *Land Titles Act* has been registered on title and a new purchaser intends for that Restriction to continue. Statement 3755 would be selected to indicate that the consent of the party required by the restriction has consented and statement 3726 would be selected to represent that the new purchaser consents to the continuance of the restriction.

4c) Land Registrar’s Caution

When a Land Registrar’s Caution has been registered on a PIN, the above statements will not allow a document to be receipted. Registrants should contact the Land Registrar to discuss the situation and if appropriate, the Land Registrar may allow the registration.



Katherine M. Murray
Director of Titles