



Ministry of Government Services
ServiceOntario

Policy and Regulatory Services
Branch

Bulletin No. 2010-01

Land Titles Act

***Land Registration
Reform Act***

DATE: MAY 21, 2010

Teraview Version 6.1

TO: ALL LAND REGISTRARS

On May 25, 2010 a new version of Teraview® will be released and will include improvements to the electronic land registration system. This Bulletin provides information relating to the changes that affect registration requirements and the creation of electronic documents. Registrants will have approximately 5 weeks in which to download and install Teraview 6.1. As of July 1, 2010, Teraview 6.0, the current version of Teraview, will be retired.

The changes being described in this bulletin are:

1. Creation of Easements and New "Easement Only" Remark
2. Changes to Optional Search for Writs of Execution
3. Changes to Work in Progress
4. Changes to Document Resubmission
5. Auto Abstracting Enhancements
6. Harmonized Sales Tax (HST)
7. Other Teraview Changes

1. Creation of Easements and New "Easement Only" Remark

With this new release of Teraview, optional functionality is being introduced whereby notification of an easement can be placed on the parcel register, at the time of receipt, for those lands (known as 'easement only lands'). Prior to Teraview 6.1 the 'easement only lands' did not contain a notice of the easement until it was added to the thumbnail description at the time of certification. The registrant may identify the 'easement only lands' in the document creating the easement and upon receipt the document will be automatically added to the instrument list of these PIN(s). The system will also add the document remark – "New Easement Only" to this entry. Upon certification of the creating document, the easement will be reflected in the thumbnail description of all the PIN(s) and the document and remark will be removed from the instrument list of the easement only PIN(s).

The identification of 'easement only lands' is done by selecting the "Easement Only" indicator during the creation of an easement. Section 1.4 below provides a list of the documents where the option of using the "Easement Only" indicator is available. The "Easement Only" indicator is located in the Properties section beside the field where the PIN is entered and must be selected before the document is pre-populated with the 'Transferor/Party From' information. There must be at least one PIN in the document that does not have the "Easement Only" indicator selected for it.

If the "Easement Only" indicator is selected, a PIN for the 'easement only lands' must also be included with the document. The "Easement Only" indicator should only be selected when the

easement is being created over another PIN. When the "Easement Only" indicator is selected, the Properties section will pre-populate the PIN information and it will be identified "For Easement Purposes Only". This information cannot be amended.

The registrant is required to enter a registerable description for both the dominant and servient lands pursuant to O.Reg. 43/96. The procedures outlined in Section 2.2 of Bulletin 2005-02 must be followed and the description of the dominant and the servient lands must continue to be entered in the description field for the PIN(s) of the non-'easement only lands'.

If a document is created using Teraview 6.1 and the "Easement Only" indicator has been selected for a PIN, then all parties required to sign the document must be using Teraview 6.1. If one of the parties to the document is still using Teraview 6.0, the PIN for the 'easement only lands' will not be shown and they will not be able to successfully sign or submit the document. The document containing 'easement only lands' can be submitted by a user on Teraview 6.0 as long as it has been successfully signed for by all parties on Teraview 6.1.

Once Teraview 6.1 is introduced, if the registrant does not identify the 'easement only lands' in the document creating the easement the following current procedures will apply.

- When easements are created in a transfer of easement, the document is registered against the servient lands and appears only in the instrument list of those PIN(s). Upon certification the easement is reflected in the thumbnail description of the PINs for both the dominant and servient lands. There is no notice of the easement on the dominant lands between receipt of the document and certification.
- When easements are reserved or granted in a transfer of land and the easement is being created over another PIN owned by the grantor in favour of the lands being transferred, the servient PIN will not reflect the easement until it is abstracted in the thumbnail description at the time of certification. Likewise, if the easement is created over the transferred lands in favour of another PIN owned by the grantor the dominant PIN will not reflect the easement until it is abstracted in the thumbnail description at the time of certification. There is no notice of the easement on the 'easement only lands' between receipt of the document and certification.

1.1 Transferor or Party From Branch

If the "Easement Only" indicator is selected after the transferor/party from information is pre-populated the registrant should cancel the document and start the process again. The property owners' name(s) for the 'easement only lands' will not be pre-populated into the 'Transferor/Party From' field.

1.2 Tax Branch

For PINs where the "Easement Only" indicator has been selected, no pre-population of the property owners will occur into the Deponents tab of the Tax branch. If available, the assessment number for the 'easement only PIN(s)' will be displayed on the Assessment tab but cannot be amended.

1.3 Resubmission

If a document has been returned to the registrant for correction and the Properties Branch is available, the "Easement Only" indicator can be selected for a PIN that was not originally identified as 'easement only lands' at the time of receipt of the document or removed from a PIN that was identified as 'easement only lands'. No additional PIN(s) can be added to the document that were not originally included at the time of the initial receipt, however PINs may be removed from the document. If the easement only indicator is changed, the Party information may also need to be changed. Similar to the rule at registration, there must be at least one PIN in the document that does not have the "Easement Only" indicator selected for it.

1.4 Electronic Documents with New Easement Indicator available

- Transfer
- Transfer Easement
- Transfer By Partnership
- Transfer By Personal Representative
- Application for Absolute Title
- Application for Vesting Order
- Application Foreclosure Order
- Application to Register Court Order
- Application for Restrictions base on Court Order
- Application to Amend Based on Court Order
- Application General
- Certificate
- Transfer by Religious Organization
- Transfer by Trustee in Bankruptcy

2. Changes To Optional Search For Writs Of Execution

There are several document types in Teraview where an automatic writ search is not performed but there is an optional writ search function available called "Retrieve Writs". When this function is performed and writs are found, the system will add a notation of the debtors' name, the writ number and the statement "This property is subject to this writ" to the document. There are writ statements available for the registrant to select if the property is not subject to the writ.

Prior to this release, the documents listed below included the "Retrieve Writs" function. Upon review, since a writ search would not normally be performed on the Party From for these documents types the "Retrieve Writs" functionality has been removed.

- Application To Register Court Order
- Application Delete Execution
- Application Trustee In Bankruptcy-Owner
- Application Trustee In Bankruptcy-Instrument
- Application For Vesting Order
- Power Of Sale For Notice Of Charge Of Lease
- Transfer: Power Of Sale

2.1 Transfer by Trustee in Bankruptcy

A writ search is required on a Transfer by Trustee in Bankruptcy if the document is transferring an interest in addition to the interest of the bankrupt, such as a co-owner. Prior to this release, this document type had the optional "Retrieve Writs" function but the writ information was not added to the document when it was receipted.

With this release, the optional "Retrieve Writs" search function will be changed and when a writ is found, the system will add the writ number, the debtors name and the statement "This property is subject to this writ" to the document. The writ statements will be available for the registrant to select if the property is not subject to the writ.

2.1.1 Transfer by Trustee in Bankruptcy created in Teraview 6.0

Due to these changes, if this document type was created in Teraview 6.0 and writs were found, the registrant should upgrade to Teraview 6.1 and select the appropriate writ statements prior to registration. If they do not upgrade, the document will be registered Subject to the Writ(s). The "In Preparation" and "Confirmation" reports will not display the subject to writs note and there will be no message given at registration that the document is subject to writs.

3. Changes to Work In Progress

New functionality is being introduced on certain documents types that will allow registrants to pre-populate the property and party information into a new document from an existing Work in Progress (WIP) document rather than from the PIN. Information from PINs identified as 'easement only lands' in the WIP document will not be pre-populated into a new document. This functionality is only available on document types that source by a PIN, such as Transfers and Charges and is not available for documents that source from another document, such as Discharge of Charge. See the list in Section 3.1 below for the documents types that will allow sourcing from an existing WIP.

When two or more documents are being registered on the same PIN and the current description is being amended, the registrant can manually amend the description on one of the documents then pre-populate the amended description into the remaining documents. For certain document types the Party(s)To Name, Person/Company Indicator and address for service from the WIP document will be pre-populated into the Party From on the new document. The PIN status and property owner checks will not be done at the time of creation of a document that was pre-populated from a WIP. These checks will occur when the document is submitted for registration.

To choose which option to use to pre-populate information into a new document, the registrant must select the document type and then select either the "Create New" or the "Create from WIP" button. To create new documents using an existing WIP, follow the procedures set out in the General Requirements section of the Electronic Registration Procedures Guide and Teraview 6.1 reference guide. These guides are available on Teranet's website at www.teraview.ca.

Only one option can be selected for creating a new document. Once the information is pre-populated into a document from a WIP, no information will be pre-populated from the PIN. If the information is pre-populated into a document from the PIN then no information will be pre-populated from a WIP. A document can only be pre-populated with the information from one WIP but the same WIP can be used to pre-populate the information into many documents. The documents do not have to be registered at the same time.

Once a document has been pre-populated from a WIP, additional PINs can be added to the document. When a PIN is added, the property information will be pre-populated from the PIN into the property branch. No information will be pre-populated into the Party From branch. PIN(s) can also be removed and the property information associated with that PIN will be removed automatically by the system. However, the registrant may need to amend or remove the Party From information.

After a new document has been pre-populated from a WIP, any changes to the original WIP document will not be reflected in the new document and any changes to the new document will not be reflected in the WIP document. If the new document needs to reflect the changes, the information will either need to be manually entered into the new document or the document will need to be cancelled and a new document created.

3.1. Documents that allow for sourcing from a WIP

- Application (General)
- Application Bylaw Deeming Plan Not A Plan
- Application Bylaw To Establish Public Highways
- Application Consolidation Parcels
- Application Delete Execution
- Application For Absolute Title
- Application For Inhibiting Order-Land
- Application For Restrictions Based On Court Order
- Application For Vesting Order

- Application To Amend Based On Court Order
- Application To Annex Restrictive Covenants S.118
- Application To Annex Restrictive Covenants S.119
- Application To Change Name-Owners
- Application To Register Bylaw
- Application To Register Court Order
- Application To Register Government Order
- Application Trustee In Bankruptcy-Owner
- Caution-Land
- Caution Of Agreement Of Purchase And Sale
- Caution-Land (Bankruptcy & Insolvency Act)
- Caution-Land (Estates Administration Act)
- Certificate
- Certificate Of Lien-Housing Development Act
- Charge/Mortgage
- Charge By Partnership
- Charge By Religious Organization
- Condominium Bylaw (Condominium Act 1998)
- Condominium Lien (Condominium Act 1998)
- Construction Lien
- Discharge Of Common Elements Condominium Interest
- Lien
- Notice
- Notice Of Application For Absolute Title
- Notice Of Assignment Of Rents-General
- Notice Of Change Of Address For Service-Condo
- Notice Of Change Of Address For Service-Owners
- Notice Of Lease
- Notice Of Oil And Gas Leases
- Notice Of Option To Purchase
- Notice Of Security Interest
- Notice Of Subdivision Agreement
- Notice Of Vendors Lien
- Plan Document
- Survivorship Application –Land
- Transfer
- Transfer By Partnership
- Transfer By Personal Representative
- Transmission By Personal Representative-Land
- Transfer By Religious Organization
- Transfer By Trustee In Bankruptcy
- Transmission Devisee/Heir At Law-Land
- Transfer Easement
- Transfer Release & Abandonment
- Transfer By Religious Organization
- Transfer By Trustee In Bankruptcy

Land Registry Office Documents that allow for sourcing from a WIP

- LR's Caution
- LR's Order
- Director of Titles Order
- Director of Titles Caution

4. Changes to Document Resubmission

When an electronic document is received, certain information is automatically abstracted on the PIN. If a document has been returned to a registrant for correction, any changes to the information on the document that was abstracted on the PIN will be updated by the system immediately upon resubmitting the document. If PINs are removed and the document is resubmitted, the PINs cannot be added again.

5. Auto Abstracting Enhancements

Included in this release are improvements to the information that is abstracted on the property once a document is received. The majority of these enhancements are document remarks. For example, when all three *Planning Act* statements are selected on the electronic document the remark "*Planning Act Statements*" will be shown on the PIN as a document remark as soon as the document is received.

6. Harmonized Sales Tax (HST)

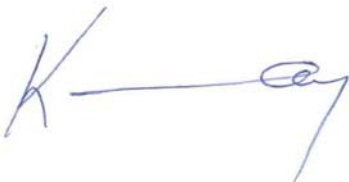
Effective July 1, 2010 Teraview 6.1 will support the harmonization of the GST and RST. HST will apply to fees that previously attracted GST. More information can be obtained from Teranet's website at www.teraview.ca and from the Ministry of Finance at www.fin.gov.on.ca.

7. Other Teraview Changes

Other changes being introduced with this release include:

- increases to limits on the number of search results that are returned,
- improvements to the Teraview error messages which will include a web link to download the latest version of Teraview and to request a copy of a document that is not available in Teraview,
- account information,
- bulk deactivation of dockets, and changes to the support for the operating systems, among others.

More information on these changes will be included in newsletters that will be posted on Teranet's website at www.teraview.ca and in the Teraview 6.1 reference guide.



Katherine M. Murray
Director of Titles