

## ORDER OF THE DIRECTOR OF LAND REGISTRATION

### *LAND REGISTRATION REFORM ACT* R.S.O. 1990, c. L.4, as amended

I, John Dalglish, Director of Land Registration ("the Director"), hereby order that:

**IN THE MATTER OF** the *Land Registration Reform Act*, R.S.O. 1990, Chapter L.4, section 29.1:

**WHEREAS**, pursuant to section 29.1 of the *Land Registration Reform Act*, the Director may authorize persons or classes of persons to search the electronic records and to submit documents for registration in electronic format to the electronic land registration system; may establish the conditions and requirements for becoming an authorized person; may establish the manner in which persons who are authorized to submit documents by direct electronic transmission shall access the electronic land registration database, and may establish the manner in which authorization shall be assigned to them for that purpose;

**AND WHEREAS** the Director has the authority to set conditions and requirements for becoming an authorized person, and has established criteria in accordance with section 29.1 of the *Land Registration Reform Act* for a person to obtain authorization to submit documents for registration in the electronic land registration system, based on three standards that are important in developing an effective strategy against fraud: the ability to establish identity to ensure fraudulent persons are not submitting documents for registration; financial resources sufficient to compensate victims of fraud; and good character/accountability to show that the person submitting documents has the appropriate qualifications;

**AND FOR THE PURPOSE OF THIS ORDER** the following words will have the corresponding meanings:

"person" - means an individual, firm, partnership, limited liability partnership, corporation, professional corporation, multi-discipline practice or government body that is a Teraview Account Holder, having entered into the appropriate documentation and agreements with Teranet Inc., including a Teraview Licence Agreement.

"Applicant" - means the person that wishes to receive authorization from the Director to submit documents for registration to the electronic land registration system.


1. **IT IS HEREBY ORDERED THAT** to obtain authorization from the Director to submit documents for registration in the electronic land registration system, Applicants must apply for authorization by attending in person (or by an appointed Account Holder Representative attending in person, if the Applicant is not an individual) before a designated representative of the Ministry of Government and Consumer Services ("the Ministry") at any Land Registry Office in Ontario or at a selected ServiceOntario Centres, with an Application for Authorization to Submit Documents for Registration in the Electronic Land Registration System (the "Application"), consisting of Part One: Application and Part Two: Registration Agreement.
2. **IT IS FURTHER ORDERED THAT** the Applicant must submit the Application with the supporting documentation required below, providing evidence that the person meets the criteria established by the Director.
3. **IT IS FURTHER ORDERED THAT** the supporting documentation must include:
  - a. If the Applicant is an individual and attends in person before the Ministry representative, or if the Applicant is a sole practitioner that chooses to appoint an Account Holder Representative to attend on their behalf, or if the Applicant is a firm, partnership, limited

liability partnership, corporation, professional corporation, multidiscipline practice or government body that is required to appoint an Account Holder Representative to attend on its behalf, personal identification for the attendee consisting of two pieces of government-issued identification, one of which must contain a photo of the individual, and one of which must contain the individual's address and date of birth.

- b. If the Applicant is incorporated under the *Canada Business Corporations Act*, R.S. 1985, c. C.44, the *Bank Act*, 1991, c. 46, the *Trust and Loan Companies Act*, 1991, c. 45, the *Insurance Companies Act*, 1991, c. 47, the *Business Corporations Act*, R.S.O. 1990, c. B.16, the *Credit Unions and Caisse Populaires Act*, 1994, S.O. 1994, c. 11, the *Loan and Trust Corporations Act*, R.S.O. 1990, c.25, as amended, the following foundation documents:
    - i. Letters Patent,
    - ii. Articles of Incorporation and Certificate of Incorporation,
    - iii. Articles of Amalgamation and Certificate of Amalgamation, or
    - iv. Articles of Continuance and Certificate of Continuance, and
    - v. Articles of Amendment and Certificate of Amendment, if any; or
    - vi. Certificate of Status or Certificate of Compliance, if the Applicant is a financial institution.
  - c. If the Applicant is a Professional Corporation within the meaning of the *Business Corporations Act*, R.S.O. 1990, c. B.16, the Certificate of Authorization issued by the Applicant's governing organization, in addition to the items listed in subsection 3b.
  - d. Evidence of financial resources in the form of,
    - i. a certificate of insurance evidencing Errors and Omissions liability insurance issued by insurers with a secure A.M. Best rating of B+ or better, insuring liability for errors and omissions in the performance of the account holder's stated profession, in the amount of not less than five hundred thousand dollars (\$500,000) per claim and one million dollars (\$1 million) in the annual aggregate, which insurance shall include innocent party fraud coverage;
    - ii. evidence acceptable to the Director of membership in an organization that is regulated by statute and which requires its members to maintain practice insurance with fraud coverage or minimum levels of capital; or
    - iii. other evidence of financial resources acceptable to the Director, and which the Director may determine from time to time.
  - e. Evidence of good character and accountability in the form of,
    - i. a criminal records check report acceptable to the Director; or
    - ii. evidence acceptable to the Director of membership in a regulated organization which has rules of professional conduct or a code of ethics under which its members may be subject to disciplinary proceedings and penalties for breach of conduct.
4. **IT IS FURTHER ORDERED THAT** Applicants who are determined, in the sole discretion of the Director, to have satisfied the criteria, will be granted authorization by the Director to submit documents for registration in the electronic land registration system.

5. **IT IS FURTHER ORDERED THAT** persons who submit an Application, but who the Director determines in his or her sole discretion have not satisfied the criteria, and do not receive the Director's authorization, shall be restricted to search-only access to the electronic land registration system, and shall have the right to request a review of the decision of the Director not to grant authorization, within 30 days of the date of the decision.
6. **IT IS FURTHER ORDERED THAT** a review of the Director's decision not to grant authorization to a person, pursuant to section 5 above, shall be conducted in accordance with the Rules of Procedure for Review of Decisions of the Director of Land Registration.

Dated at Toronto, Ontario this 15<sup>TH</sup> day of January 2008.

  
\_\_\_\_\_  
John Dalglish  
Director of Land Registration

DLRO-08-01