



Ministry of Consumer
and Business Services
Registration Division
Title and Survey Services Office

BULLETIN NO. 2004-02

Land Titles Act

DATE: January 19, 2004

TO: All Land Registrars

Conversion of Registry
Non-converts to LTCQ

Background

During the Ministry's administrative process of automating paper land registration records most properties registered under the *Registry Act* are converted to Land Titles parcels. When deficiencies or questions regarding the title in the Registry abstract are identified and ownership of the property cannot be guaranteed, the property is not converted and an automated record is established with a 40-year load of documents and remains under the governance of the *Registry Act*. These properties are referred to as non-converts.

This Bulletin sets out the procedure to be followed in order to convert such a property to Land Titles Conversion Qualified at a later date.

General

Land Registrars will work with the client in order to accomplish the conversion to the satisfaction of the Land Registry Office and client.

Land Registrar's must be satisfied that based on these procedures it is appropriate to convert the property to Land Titles. If the Land Registrar is not satisfied, an Application for First Registration under the *Land Titles Act* must be made following the normal process. Each situation will be reviewed on its own merit on a case by case basis.

The Land Registry Office may have information regarding the reason for the property not being converted and clients are encouraged to contact the Land Registrar prior to dealing with the property. In conjunction with the solicitor's search of title and the information provided by the Land Registry Office, any deficiency(ies) or question(s) in the title must be addressed in this process.

If the property is to be converted and is being developed for a Condominium or Plan of Subdivision, an Application for Land Titles Plus must be subsequently made. The alternative is for an Application for First Registration to be made instead of the application for conversion.

Process

The necessary documentation to satisfy the deficiency or question must be registered or deposited and must satisfy the Land Registrar that the deficiency has been correctly dealt with. The client must then deposit on title a solicitor's affidavit or statement(s) requesting the Land Registrar to convert the property and setting out the following:

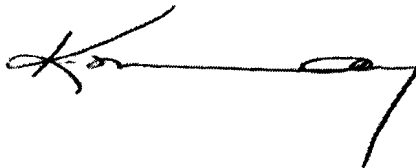
1. confirmation that a full search of the property has been undertaken and a listing of all title deficiencies;
2. an explanation of how these deficiencies were rectified by registering or depositing additional information;
3. an unequivocal statement that there are no *Planning Act* violations;
4. the name of the registered owner(s) of the property as well as their capacity based on the registered ownership document;

5. a full legal description of the property including any easements. The provisions of O.Reg. 43/96 will apply to all descriptions. If there are any concerns with the description, complex situations or *Planning Act* issues as a result of a natural severance a discussion with the Regional Surveyor may be required;
6. a list of documents and interests that the property is subject to or a statement that there are no interests or documents to be brought forward.

The Land Registry Office is required to perform a review of the property similar to the review for a First Application and if any apparent deficiencies/errors are found which have not been addressed, these will be brought to the applicant's attention for appropriate action prior to conversion.

Executions

When the Land Registrar converts the property to Land Titles, an execution search will be performed against the current owner and any previous registered owner if the deed to the current owner is a non-arms length transaction such as a transfer between spouses or former spouses with no consideration, an interfamily transfer with no consideration, a transfer between family members to a family farm or family business corporation, a beneficiary to a trustee or a vesting order (where there is no statement that executions have been dealt with). If an execution is found, the applicant will be contacted and advised of this execution. If evidence can be provided clearing the execution then the parcel will not be made subject to the execution. The evidence clearing the execution should be attached to a Land Registrar's Order which will be registered against the Land Titles parcel and then deleted. No fee will be charged for this Order. If no evidence can be provided to clear the execution, the parcel will be made subject to the execution.



Katherine M. Murray
Director of Titles