



Bulletin No. 99006

*Land Titles Act
Registry Act*

Ministry of Consumer
and Commercial Relations

Date: December 10, 1999

Registration Division

To: All Land Registrars

Electricity Act, 1998

Electricity Act, 1998

Effective April 1, 1999, the assets of Ontario Hydro were transferred to various other entities. In addition, the hydro electric assets of municipalities will be transferred over time to other corporations. Pursuant to sections 124 and 151 of the *Electricity Act, 1998* (the "Act"), the transfer of assets is to be effected through transfer orders, in the case of section 124 transfers, or transfers by by-law, in the case of section 151 transfers, which are not required to be registered on title to lands. The Act provides for notice of the transfer to be given in written statements contained in subsequent registered documents and that these statements are conclusive evidence of the transfer.

Section 124

This section deals with a transfer from Ontario Hydro to persons as set out in the Act which are more particularly identified under the "Transferees" list located at the end of this Bulletin.

Section 151

This section deals with a transfer by by-law from a municipal corporation or from a commission or other body through which a municipal corporation generated, transmitted, distributed or retailed electricity, to a corporation incorporated under the *Business Corporations Act*.

As a result of the provisions of the Act, the statements required by the above sections will be, for the most part, included in the next dealings with the land by the transferee from Ontario Hydro or the municipal corporation. In other words, there could be two transfers contained in one Form 1, or a transfer and a notice of lease contained in a Form 4, or a transfer and a charge contained in a Form 2. These interests are to be given two registration numbers, two fees should be charged and they will be abstracted as two separate interests. Although combined documents of separate interests are not ordinarily acceptable for registration, this situation is an exception due to the provisions of the Act.

Executions

In Land Titles, the normal requirements for execution certificates will apply. As the documents are a combined document in one of the prescribed forms under the *Land Registration Reform Act* and include a transfer, an execution certificate for Ontario Hydro or the municipal corporation as applicable is required. In addition, where the document is a combined document which contains a transfer from, for example, Ontario Hydro to one of the parties in section 124, and then a transfer from that party to a third party, an execution certificate for both Ontario Hydro and the party to whom it transferred is required.

Land Transfer Tax

Pursuant to the memo from the Ministry of Finance, it is not necessary for a land transfer tax affidavit to be included when the transfer from Ontario Hydro or the municipal corporation containing the statements is submitted for registration. However, the conveyance to a third party will require a land transfer tax affidavit and payment of tax as appropriate.

Statements

To properly comply with the Act, the following statements are required in order to evidence a transfer of lands. Note: all of the statements as provided must be made for each document type.

DOCUMENTS UNDER S.124 - ONTARIO HYDRO TRANSFER ORDERS

Form 1 - Transfer/Deed of Land

1. [name of transferee from Ontario Hydro] is a party to the Form 1 under the *Land Registration Reform Act* to which this schedule is attached, is a person referred to in section 124 of the *Electricity Act, 1998* and is a person from which no consent was required in respect of the transfer in the transfer order, as amended, pursuant to subsection 116(5) of the *Electricity Act, 1998*.
2. The interest described in Box 7 in the lands described in Box 5 in the Form 1 under the *Land Registration Reform Act* to which this schedule is attached was transferred unconditionally to the transferor from Ontario Hydro by or pursuant to a transfer order, as amended, made under the *Electricity Act, 1998*, which transfer has taken effect.
3. There were no conditions or other provisions in the transfer order, as amended, that restrict the power or right of the transferor to transfer to the transferee the interest described in Box 7 in the lands described in Box 5 in the Form 1 under the *Land Registration Reform Act* to which this schedule is attached.
4. The foregoing statements are statements made pursuant to section 124 of the *Electricity Act, 1998*.

Form 2 - Charge/Mortgage of Land

1. [name of transferee from Ontario Hydro] is a party to the Form 2 under the *Land Registration Reform Act* to which this schedule is attached, is a person referred to in section 124 of the *Electricity Act, 1998* and is a person from which no consent was required in respect of the transfer in the transfer order, as amended, pursuant to subsection 116(5) of the *Electricity Act, 1998*.
2. The interest described in Box 7 in the lands described in Box 5 in the Form 2 under the *Land Registration Reform Act* to which this schedule is attached was transferred unconditionally to the chargor from Ontario Hydro by or pursuant to a transfer order, as amended, made under the *Electricity Act, 1998*, which transfer has taken effect.
3. There were no conditions or other provisions in the transfer order, as amended, that restrict the power or right of the chargor to charge the interest described in Box 7 in the lands described in Box 5 in the Form 2 under the *Land Registration Reform Act* to which this schedule is attached.
4. The foregoing statements are statements made pursuant to section 124 of the *Electricity Act, 1998*.

Fom 3 - Discharge of Charge/Mortgage of Land

1. [name of transferee from Ontario Hydro] is a party to the Form 3 under the *Land Registration Reform Act* to which this schedule is attached, is a person referred to in section 124 of the *Electricity Act, 1998* and is a person from which no consent was required in respect of the transfer in the transfer order, as amended, pursuant to subsection 116(5) of the *Electricity Act, 1998*.
2. The Charge/Mortgage discharged herein was transferred unconditionally to [name of transferee from Ontario Hydro] from Ontario Hydro by or pursuant to a transfer order, as amended, made under the *Electricity Act, 1998*, which transfer has taken effect.
3. There were no conditions or other provisions in the transfer order, as amended, that restrict the power or right of [name of the transferee from Ontario Hydro] to discharge the Charge/Mortgage discharged herein.
4. The foregoing statements are statements made pursuant to section 124 of the *Electricity Act, 1998*.

Form 4 - Document General

In Box 4 of the Document General, the document should be described as a Transfer and [other interest described in the document, e.g. Notice of Lease].

1. [name of transferee from Ontario Hydro] is a party to the Form 4 under the *Land Registration Reform Act* to which this schedule is attached, is a person referred to in section 124 of the *Electricity Act, 1998* and is a person from which no consent was required in respect of the transfer in the transfer order, as amended, pursuant to subsection 116(5) of the *Electricity Act, 1998*.
2. A [describe interest transferred by transfer order (e.g. fee simple, leasehold, easement, etc.)] interest in the lands described in Box 6 above was transferred unconditionally to [name of the transferee from Ontario Hydro] from Ontario Hydro by or pursuant to a transfer order, as amended, made under the *Electricity Act, 1998*, which transfer has taken effect.
3. There were no conditions or other provisions in the transfer order, as amended, that restrict the power or right of any person to make the within [set out subject matter of Document General, e.g. notice of claim, charge, lease, etc.] with respect to the lands described in Box 6.
4. [name of transferee from Ontario Hydro] is a party to this Document General solely for the purpose of making these statements at the request of the person submitting this Document General for registration or deposit in order to effect the registration or deposit of this Document General and any document attached to this Document General.

[To be used where the Form 4 is for the purpose of an application to register by a third party (e.g. not the transferee from Ontario Hydro) in which the transferee from Ontario Hydro has been requested to make these statements (e.g. a construction lien against the transferee) in order to effect registration or deposit.]
5. The foregoing statements are statements made pursuant to section 124 of the *Electricity Act, 1998*.

DOCUMENTS UNDER S. 151 - MUNICIPAL TRANSFER BY-LAWS

Please note that all references to "[OBCA]" are intended to be reference to a transferee from the municipal corporation as described in section 151, i.e. a corporation incorporated under the *Business Corporations Act*.

Form 1 - Transfer/Deed of Land

1. [name of OBCA corporation] is a party to the Form 1 under the *Land Registration Reform Act* to which this schedule is attached and is a corporation incorporated under the *Business Corporations Act* pursuant to section 142 of the *Electricity Act, 1998*.
2. The interest described in Box 7 in the lands described in Box 5, in the Form 1 under the *Land Registration Reform Act* to which this schedule is attached was transferred unconditionally to the transferor from [name of municipal corporation, commission or other body through which a municipal corporation generated, transmitted, distributed or retailed electricity] by or pursuant to a transfer by-law made under the *Electricity Act, 1998*, which transfer has taken effect.

3. There were no conditions or other provisions in the transfer by law that restrict the power or right of the transferor to transfer to the transferee the interest described in Box 7 in the lands described in Box 5 in the Form 1 under the *Land Registration Reform Act* to which this schedule is attached.
4. The foregoing statements are statements made pursuant to section 151 of the *Electricity Act, 1998*.

Form 2 - Charge/Mortgage of Land

1. [name of OBCA corporation] is a party to the Form 2 under the *Land Registration Reform Act* to which this schedule is attached and is a corporation incorporated under the *Business Corporations Act* pursuant to section 142 of the *Electricity Act, 1998*.
2. The interest described in Box 7 in the lands described in Box 5, in the Form 2 under the *Land Registration Reform Act* to which this schedule is attached was transferred unconditionally to the chargor from [name of municipal corporation, commission or other body through which a municipal corporation generated, transmitted, distributed or retailed electricity] by or pursuant to a transfer by-law made under the *Electricity Act, 1998*, which transfer has taken effect.
3. There were no conditions or other provisions in the transfer by law that restrict the power or right of the chargor to charge the interest described in Box 7 in the lands described in Box 5 in the Form 2 under the *Land Registration Reform Act* to which this schedule is attached.
4. The foregoing statements are statements made pursuant to section 151 of the *Electricity Act, 1998*.

Form 3 - Discharge of Charge/Mortgage of Land

1. [name of OBCA corporation] is a party to the Form 3 under the *Land Registration Reform Act* to which this schedule is attached and is a corporation incorporated under the *Business Corporations Act* pursuant to section 142 of the *Electricity Act, 1998*.
2. The Charge/Mortgage discharged herein was transferred to [name of OBCA corporation] from [name of municipal corporation, commission or other body through which a municipal corporation generated, transmitted, distributed or retailed electricity] by or pursuant to a transfer by-law made under the *Electricity Act, 1998*.
3. There were no conditions or other provisions in the transfer by-law that restrict the power or right of [name of OBCA corporation] to discharge the Charge/Mortgage discharged herein.
4. The foregoing statements are statements made pursuant to Section 151 of the *Electricity Act, 1998*.

Form 4 - Document General

In Box (4) of the Document General, the document should be described as Transfer and [other interest described in the document, e.g., Notice of Lease].

1. [name of OBCA corporation] is a party to the Form 4 under the *Land Registration Reform Act* to which this schedule is attached and is a corporation incorporated under the *Business Corporations Act* pursuant to section 142 of the *Electricity Act, 1998*.
2. An [describe interest transferred in transfer order (i.e. fee simple, leasehold, easement, etc.)] interest in the lands described in Box 6 above was transferred unconditionally to [name of OBCA corporation] from [name of municipal corporation, commission or other body through which a municipal corporation generated, transmitted, distributed or retailed electricity] by or pursuant to a transfer by-law made under the *Electricity Act, 1998*, which transfer has taken effect.
3. There are no conditions or other provisions in the transfer by-law that restrict the power or right of any person to make the within [set out subject matter of Document General, e.g. notice of claim, transfer, charge, lease, etc.] with respect to the lands described in Box 6 above.
4. The [name of OBCA corporation] is a party to this Document General solely for the purpose of making these statements at the request of the person submitting this Document General and any document attached to this Document General.]

[To be used where the Form 4 is for the purpose of an application to register by a third party (e.g. not the transferee) in which the transferee has been requested to make the statement (e.g. a construction lien against the transferee) in order to effect registration or deposit.


5. The foregoing statements are statements made pursuant to section 151 of the *Electricity Act, 1998*.

Transferees

The following is a list of the transferees under section 124 that may have received an interest in real property from Ontario Hydro by or pursuant to a transfer order.

- ▶ Ontario Hydro Networks Company Inc.
- ▶ Ontario Hydro Energy Company Inc.
- ▶ Ontario Hydro Remote Communities Service Company Inc.
- ▶ Ontario Power Generation Inc.
- ▶ OPG-Darlington Inc.
- ▶ OPG-Darlington Waste Inc.
- ▶ OPG-Pickering Inc.
- ▶ OPG-Pickering Waste Inc.

- ▶ OPG-Bruce A Inc.
- ▶ OPG-Bruce B Inc.
- ▶ OPG-Bruce Waste Inc.
- ▶ OPG-Bruce Common Facilities Inc.
- ▶ OPG-Atikokan Inc.
- ▶ OPG-Thunder Bay Inc.
- ▶ OPG-Lambton Inc.
- ▶ OPG-Nanticoke Inc.
- ▶ OPG-Lakeview Inc.
- ▶ OPG-Lennox Inc.
- ▶ OPG-Northwest Plant Group Inc.
- ▶ OPG-Mississagi River Inc.
- ▶ OPG-Mattagami River System Inc.
- ▶ OPG-Abitibi River Inc.
- ▶ OPG-Montreal River Inc.
- ▶ OPG-St. Lawrence River Inc.
- ▶ OPG-Ottawa River Inc.
- ▶ OPG-Madawaska River Inc.
- ▶ OPG-Niagara Plant Group Inc.
- ▶ OPG-Small Hydro Inc.
- ▶ OPG-700 University Inc.
- ▶ Independent Electricity Market Operator.
- ▶ Electrical Safety Authority.



Katherine M. Murray
Director of Titles
and Senior Deputy Director of Land Registration