



Ministry of Consumer
and Commercial
Relations

Registration Division

Real Property
Registration Branch

BULLETIN NO. 98005

Land Titles Act

DATE: December 16, 1998

TO: All Land Registrars

Transfer under Power of Sale and
Postponements

The *Mortgages Act* and *Land Titles Act* require that all interested parties appearing by the register of title and by the index of executions to have an interest in the mortgaged property must be served with a Notice of Sale in a Power of Sale proceedings carried out by the mortgagee.

Where an easement that is registered after the charge contains the consent of the chargee, even if wording implies a postponement, that easement holder must be served with a notice and the easement will be deleted when the transfer under Power of Sale is registered.

Under the *Land Titles Act* the registration of an easement with the chargee's consent does not give notice on the parcel register of a postponement of charge and a separate registration by way of a postponement in the prescribed form is required to give the easement priority over the charge.

An easement or other interest registered subsequent to the registered charge is not to be deleted from the parcel register where the new purchaser in the transfer under a Power of Sale consents in writing that he/she will take title subject to the continuance of the easement or other interest.

Ian Veitch
Director of Land Registration

Katherine M. Murray
Director of Titles