CHAPTER 348

The Registry Act

1. In this Act,

(a) "certificate of amalgamation of loan corporations" includes a copy certified under the hand of the Registrar of Loan and Trust Corporations of the certificate of assent and declaration referred to in section 102 of The Loan and Trust Corporations Act R.S.O. 1960, c. 222 and of any document mentioned in such certificate and a certificate issued for the purpose of registration under any Act of the Legislature authorizing or ratifying an agreement for the purchase and sale of the assets, or for the amalgamation of loan corporations;

(b) "county" includes a city, a provisional judicial district, and any part of a county, district or city set apart for judicial or registration purposes;

(c) "Inspector" means the Inspector of Legal Offices appointed under The Judicature Act; R.S.O. 1960, c. 197

(d) "instrument" includes every Crown grant, and Order in Council of Canada and of Ontario, every deed, conveyance, mortgage, assignment of mortgage, certificate of discharge of mortgage, assurance, lease, bond, release, discharge, power of attorney, under which any such instrument is executed, every bond or agreement for the sale or purchase of land, will, probate of will, grant of administration, caution under The Devolution of Estates Act or renewal thereof, municipal by-law, certificate of proceedings in any court, judgment or order of foreclosure and every other certificate of judgment or order of any court affecting any interest in or title to land, and certificate of amalgamation of loan corporations, every certificate of payment of taxes granted under the corporate seal of the county, city or town by the treasurer, every sheriff's and treasurer's deed of land sold by virtue of his office, every contract in writing, every order and proceeding in mental incompetency, bankruptcy and insolvency, every plan of a survey or subdivision of land, and every other instrument...
whereby land may be transferred, disposed of, charged, encumbered or affected in any wise, affecting land in Ontario.

(e) "land" includes lands, tenements, hereditaments and appurtenances and any estate or interest therein;

(f) "photographic film" includes any photographic plate, microphotographic film or photocopy negative;

(g) "power of attorney" includes a revocation or alteration thereof and an appointment of a substitute thereunder;

(h) "will" includes codicil, probate of will and exemplification, and notarial or prothonotarial copy of a will, or of a probate of a will, and letters of administration with the will annexed, and a devise whereby land is disposed of or affected. R.S.O. 1950, c. 336, s. 1; 1954, c. 83, s. 1.

2. Subject to The Land Titles Act, after a certificate of the first registration of the owner under that Act has been registered as prescribed by that Act, this Act ceases to apply to the land mentioned in the certificate. R.S.O. 1950, c. 336, s. 2.

3.—(1) No instrument affecting land in a provisional judicial district granted by the Government of Ontario by letters patent or by order of the Lieutenant Governor in Council after the 31st day of December, 1887, other than lands mentioned in subsection 2 of section 35 of The Land Titles Act, shall be registered under this Act.

(2) The registration in the registry office of any such district of any lands so patented or granted before the 1st day of September, 1910, is declared to be valid and effectual and instruments affecting such lands, patents for which have been already registered, may continue to be registered under this Act.

(3) A person claiming an interest in unpatented lands in any such district may lodge with the local master of titles a caution under section 47 of The Land Titles Act subject to the provisions of that section. R.S.O. 1950, c. 336, s. 3.

4.—(1) Subject to the provisions of this Act and except where otherwise expressly provided in any general or special Act or Order in Council, the registry divisions as they existed on the 14th day of April, 1925, are the registry divisions of the Province of Ontario for the purposes of this Act and no
alterations in the boundaries of any riding, electoral district or municipality alters or affects the boundaries of any registry division.

(2) Where a new county or district is formed, it constitutes a registry division. R.S.O. 1950, c. 336, s. 4.

5.—(1) Where a registry division includes the whole or part of the county or district town, the registry office shall be situate therein and, in other cases, shall be situate at such place as the Lieutenant Governor in Council directs.

(2) Where a registry office is, in the opinion of the Lieutenant Governor in Council, inconveniently or unsafely situated, he may direct that a new registry office be erected on a new site to be approved by him. R.S.O. 1950, c. 336, s. 5.

6.—(1) For the safe-keeping and protection of all books, memorials, duplicates and other instruments of whatever description and plans belonging to the office of registrar, the council of every county where at any time there are no safe and proper fire-proof offices and vaults provided by the council, or where any registry office is established, or where under section 5 the Lieutenant Governor in Council has directed a change of site, shall provide, furnish, maintain and keep in good repair a safe and fire-proof registry office and fire-proof vault upon a plan and on a site to be approved by the Lieutenant Governor in Council, and the council shall keep the registry office furnished with fuel and furniture and in good repair and properly heated, lighted, cleaned and ventilated.

(2) A town separated from a county for municipal purposes, and a city for which there is no separate registry office, shall bear such equitable proportion of the expense incurred under subsection 1 as the Inspector directs.

(3) Except where otherwise provided in this Act, the Inspector may in writing authorize the registrar under the direction of an architect named by the Inspector to expend out of the proportion of the fees to which the county or city may then or thereafter be entitled under sections 109 and 113 so much as may be deemed by the Inspector to be necessary in providing adequate fire-proof or metal fittings for the vault of the registry office or for the proper heating and ventilation of the vault, and the amount so expended, including the architect’s charge, shall be certified by the Inspector, and his certificate or a duplicate thereof shall be transmitted by the registrar to the treasurer of the county or city, and is a discharge to the registrar of the amount so certified, as against the proportion of the fees then payable or to become thereafter payable by him.
(4) The corporation of any county or city charged with the duty of providing books for use in a registry office shall, when so required by the Inspector, provide typewriters for use in copying instruments in the registry books, telephones, directories and such other articles as the Inspector may deem necessary for the purpose of the office. R.S.O. 1950, c. 336, s. 6.

REGISTRARS

7. There shall be a registrar for every registry division who shall be appointed by the Lieutenant Governor in Council and shall hold office during pleasure. R.S.O. 1950, c. 336, s. 7.

8. Every registrar shall have a seal of office to be approved of by the Inspector. R.S.O. 1950, c. 336, s. 8.

9.—(1) The Lieutenant Governor in Council may fix and determine the amount of the security to be furnished by each registrar. R.S.O. 1950, c. 336, s. 9 (1).

(2) The amount of such security shall, except in the case of a registrar in a provisional judicial district, be not less than $4,000 and not more than $50,000. R.S.O. 1950, c. 336, s. 9 (2); 1960, c. 102, s. 1.

(3) The Lieutenant Governor in Council, upon the application of any county or city interested, or without such application, may require any registrar to furnish additional security in such form and for such an amount as the Lieutenant Governor in Council determines to be sufficient to secure the due payment of any money payable by the registrar to the county or city. R.S.O. 1950, c. 336, s. 9 (3).

10. The registrar and his sureties are jointly and severally liable upon and to the extent of the security furnished to any aggrieved person to indemnify him against any damage or loss sustained by him, by or through the neglect or misconduct of the registrar or his deputy in the performance of the duties of his office, but this provision does not exempt the registrar from any further responsibility to a person sustaining such damage or loss. R.S.O. 1950, c. 336, s. 10.

11. Every registrar, before he enters upon the duties of his office, shall take and subscribe the oath (Form 1) which shall be transmitted by him to the Provincial Secretary. R.S.O. 1950, c. 336, s. 11.

12.—(1) The registrar may by writing under his hand and seal of office appoint a deputy or deputies who may perform all the duties required under this Act in the same manner and to the like effect as if done by the registrar.
(2) In case of the death, resignation, removal from or forfeiture of office of the registrar, the deputy registrar, or if more than one, the senior deputy registrar shall be the registrar pro tempore and shall do and perform all and every act, matter and thing necessary for the due execution of the office, until a new appointment of registrar is made, and if there is no deputy registrar the Crown attorney shall be the registrar pro tempore until another person is appointed, and the Crown attorney on becoming registrar may appoint a deputy registrar.

(3) The registrar pro tempore is answerable for the execution of the office during such interval, and any security given by the registrar is security for the due and faithful performance of the duties of his office by the registrar pro tempore. R.S.O. 1950, c. 336, s. 12.

13. Every deputy registrar, before he enters on the duties of his office, shall take and subscribe the oath appointed to be taken by the registrar, or an oath to the like effect, which oath he shall forthwith transmit to the Provincial Secretary. R.S.O. 1950, c. 336, s. 13.

14.—(1) No registrar or deputy registrar or clerk in his office shall, directly or indirectly, act as the agent of any corporation or person investing money or taking security on land within his county, nor advise, for fee or other reward, or otherwise, upon titles to land, or practise as a conveyancer, or act as an agent for the sale of land, within his county, nor shall he carry on or transact within the registry office any other business or occupation whatever.

(2) No registrar, deputy registrar or clerk in a registry office shall personally or as a member of a firm carry on a loaning business or be in any way connected with a firm that transacts business with the office of the registrar.

(3) No registrar, deputy registrar or clerk in a registry office shall practise as a barrister, solicitor, physician or surgeon. R.S.O. 1950, c. 336, s. 14.

15. The work of the office shall be conducted and carried on under the direction and immediate supervision of the registrar. R.S.O. 1950, c. 336, s. 15.

16. Except on Saturdays and holidays when they shall be closed, every registry office shall be kept open from 9.30 a.m. until 4.30 p.m., and no instrument shall be registered on any Saturday or holiday, nor shall any instrument be received for registration except within those hours. 1952, c. 91, s. 1.
The registrar shall, when required and upon being tendered his proper fees, make searches and furnish abstracts of or concerning all instruments or memorials registered that mention any lot of land as described in the patent thereof from the Crown, or any lot described by number or letter on any registered plan, subsequent to the registration of the plan, or any part of a lot where the part is clearly described and can be identified in connection with the chain of title, or has been ascertained by actual survey, and of and concerning all instruments registered, as may be requested of him in writing, if a writing is demanded by him, but unless otherwise instructed he shall omit from the abstract all instruments ruled off pursuant to section 73 and in that case the form of the certificate in subsection 2 shall be varied accordingly, and he shall exhibit any original registered instrument, and also the books of the office relating thereto when a personal inspection thereof is desired, and shall give extracts certified under his hand of and concerning the parties to any of such instruments, or of the witnesses thereto or any other particulars that may be required, but no registrar shall allow any such book or instrument to be taken out of his possession or custody.

(2) Every abstract furnished by a registrar shall be commenced and certified to in the words following:

Registry Office, County of.............................., Abstract of Title

I certify that the above (or the following) are correct extracts from the only instruments registered in this office which mention or refer to (describe properly sufficiently for identification). This abstract does not purport to give entries from the general register or bankruptcy books.

Dated at............ this................ day of.............., 19........, at the hour of......................

Registrar or Deputy-Registrar. (L.S.)

(3) The fees for every abstract shall be stated on the face thereof and shall show the items making up the amount of the fees.

(4) The registrar, when requested in writing to do so by the person requiring an abstract of title, shall omit from it mortgages and assignments thereof in respect of which instruments purporting to be discharges are entered in the abstract index, and mechanics' liens in respect of which an action has not been brought and a certificate thereof registered as required by The Mechanics' Lien Act, or any other class of instrument mentioned in the request, and in that case the certificate of the registrar shall be varied accordingly. R.S.O. 1950, c. 336, s. 17.

A registrar is not liable in respect of entries of instruments or errors or mistakes in the entries of instruments or
omissions by any of his predecessors in office, nor for any
defect or inaccuracy in any abstract or certificate arising from
such error, mistake or omission, unless he had become aware
or had knowledge of such error, mistake or omission, or unless
such abstract or certificate is defective or inaccurate to the
knowledge of the registrar or his deputy or the clerk by whom
it is made or signed. R.S.O. 1950, c. 336, s. 19.

19.—(1) On request of any person, the registrar shall
furnish a certified copy, under his hand and seal of office, of
any instrument or memorial deposited, registered, or filed and
kept in his office.

(2) No registrar or deputy registrar is required to produce
any instrument or document in his custody as registrar or
deputy registrar, unless ordered by a judge of one of the courts
of Ontario, which order shall be produced to the officer issuing
the subpoena requiring such production, and shall be noted by
him in the margin of the subpoena. R.S.O. 1950, c. 336, s. 20.

BOOKS OF OFFICE

20.—(1) The treasurer of every county and the treasurer
of every city for which there is a separate registry office shall
provide a fit and proper registry book for each township, city,
town, or village, and for each town plot laid out by the Crown,
and all index and other books required for the business of the
registry office.

(2) All registry and abstract index books shall be as nearly
as may be of the like size and description as those heretofore
furnished, and shall continue to be of one uniform size as
nearly as practicable, and with the approval of the Inspector
such registry books may be in loose-leaf form with locking
attachment.

(3) From the time the books are so provided and received
at the registry office, the registrar shall keep and cause to be
used for that purpose a separate registry book for and of
each township, city, town and village and for each town plot
laid out by the Crown within his registry division.

(4) Every registrar shall keep a general registry book
herein called the "general register" for the whole of the
registry division, which shall be used for the purposes herein-
after set forth and every registrar shall keep an alphabetical
index of the names of all the parties mentioned by name in
every instrument but in the case of wills, probates and letters of
administration with the will annexed it is sufficient to enter
only the name of the testator and executors.
(5) The registrar shall also keep a by-law book in which shall be entered the registration number of every money by-law, the number of the by-law and its title, and name of the municipality, the amount of the debt, the rate of interest and the period for which the debentures are to run, and where the rates are to be levied on part only of the rateable property in the municipality, that fact shall be stated.

(6) No entry in respect of the by-law shall be made in the general register.

(7) Where, before the 7th day of April, 1896, wills had been recorded in the separate books of a registry division but not in the general register when they ought to have been recorded therein and in other cases where in his opinion public convenience so requires, the Inspector may, by order in writing, direct that an alphabetical index shall be prepared and kept of the names of all persons mentioned by name in such wills and designating the book or books and the pages thereof in which such wills are recorded, and the treasurer shall, for such index and the preparation thereof, pay to the registrar such sum as the Inspector may order in writing. R.S.O. 1950, c. 336, s. 21 (1-7).

(8) The general register shall be used for recording wills, probates, grants of administration, general appointment of new trustees, certificates of judgment, or orders of any court removing or appointing executors, administrators, guardians or trustees, and powers of attorney in which there is a general devise or power affecting land without local description, and orders made under The Mental Incompetency Act, and claims for lien under The Mechanics' Lien Act against land that constitutes the line of railway or right of way of a railway company, general certificates of payment of succession duties under subsection 7 of section 58, and also certificates of amalgamation of loan corporations, and where a mortgage of railway of other lands was registered prior to the 1st day of April, 1899 in the general register of any registry division, a discharge of such mortgage or a reconveyance of the mortgaged premises may be registered therein. R.S.O. 1950, c. 336, s. 21 (8); 1952, c. 91, s. 3.

(9) When a registrar requires a new registry book or any other book for the use of his office, the book shall, on his application therefor in writing, be furnished to him by the treasurer, and all books so furnished shall be paid for by the treasurer.

(10) All books so furnished, used and kept are the property of the Crown. R.S.O. 1950, c. 336, s. 21 (9, 10).
(11) Where the Inspector finds it advisable for the proper despatch of business, he may by order in writing permit more than one registry book for a municipality to be in use at the same time or the entries from more than one municipality to be made in one registry book. 1955, c. 70, s. 1.

21. Every treasurer of a county or city who is required by this Act to provide and maintain books for use in a registry office shall, when so ordered in writing by the Inspector,

(a) provide and maintain a photographic film reproduction of instruments in place of such books; and

(b) replace existing books with photographic film reproductions,

in such manner and to such extent as the Inspector orders. 1954, c. 83, s. 2.

22. If a treasurer refuses to furnish any book as required by section 20 or refuses to provide and maintain any photographic film reproductions as the Inspector orders, the registrar may furnish such book or provide and maintain such photographic film reproductions and recover the cost thereof from the corporation of the county or city in default. 1954, c. 83, s. 3.

23. The registrar shall certify (Form 2) respecting each register or other book so furnished or provided. R.S.O. 1950, c. 336, s. 23.

24.—(1) Where a new registry division is established consisting wholly or in part of a territory that theretofore formed part of an existing registry division, the registrar of the registry division from which such territory is detached shall deliver to the registrar of the registry division of which it becomes part or in which it is comprised,

(a) the registry books or photographic film reproductions thereof and all other books and indexes that have been kept according to law exclusively for such territory or any part of it;

(b) the original memorials of all instruments and documents relating exclusively to land within such territory, including deposits filed in pursuance of the Custody of Documents Act;

(c) all maps of municipalities within such territory deposited according to law in his office, and all registered plans relating exclusively to land within such territory;
(d) an abstract index book or photographic film reproduction thereof of all instruments relating to land within such territory registered before separate registry books were kept for each township or place;

(e) a proper registry book or photographic film reproduction thereof containing full and complete copies of all memorials and other registered instruments, including deposits filed in pursuance of The Custody of Documents Act, affecting such land which are not under the provisions of clause b required to be delivered, or which, though relating exclusively to land within such territory, are entered in a registry book not required to be delivered as provided by clause a;

(f) another proper registry book or photographic film reproduction thereof containing copies of all wills and other instruments registered in a general register in which the names of any of the parties to them have been entered in the alphabetical index kept for any part of the territory;

(g) a copy of the alphabetical index attached to any such general register;

(h) copies of all plans which, though not affecting exclusively such territory, include within their boundaries any portion of it. R.S.O. 1950, c. 336, s. 24 (1); 1954, c. 83, s. 4 (1-4).

(2) Each registry book and photographic film reproduction to be delivered shall have or be accompanied by an alphabetical index of names.

(3) The registrar shall carefully compare all entries made in the registry books or photographic film reproductions thereof that he is required to deliver with the original entries in the registry book or photographic film reproduction thereof and shall certify in writing that he has done so.

(4) The registrar shall perform the duties imposed upon him by this section within such time as the Inspector requires. 1954, c. 83, s. 4 (5).

25. Where a registrar is removed from or resigns his office, he shall forthwith deliver up all books or photographic film reproductions thereof, plans, instruments, memorials and indexes in his possession as registrar to the person who is appointed registrar in his stead, or to any other person who may be appointed in writing by the Attorney General to receive them, and if the registrar refuses to do so the Attorney
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General may direct the sheriff of the county to seize and take immediate possession of them wheresoever found, and the registrar so offending is liable to a penalty of not more than $2,000, and, in the discretion of the court, may also be imprisoned for a term of not more than one year. R.S.O. 1950, c. 336, s. 25; 1954, c. 83, s. 5.

26. (1) Where any book, from age or use, is becoming obliterated or unfit for further use, the Inspector shall, by direction in writing under his hand, order that it be recopied in a book of the same description as that prescribed by section 20, so far as the same can be deciphered by examination thereof and of the original instruments or memorials relating thereto.

(2) Such book, having the order of the Inspector inserted at the beginning, and having the affidavit or declaration of the registrar or his deputy at the end to the effect that it is a true copy of the original book, shall be accepted and received as the original, and as *prima facie* evidence that the copy is a true copy, but the original book shall nevertheless be carefully preserved.

(3) The Inspector may order any book that is out of repair to be repaired in such manner as he thinks necessary, and may order plans and maps deposited in any registry office to be copied, mounted or bound, and to be preserved in such manner as he thinks necessary.

(4) The Inspector may order as many counterparts or copies of any abstract index book to be made as he deems necessary for the public convenience, and may order new abstract indexes to be made when the indexes in use have become complicated or otherwise inconvenient.

(5) When authorized so to do by the Lieutenant Governor in Council, the Inspector may order new surveys and plans to be made of any locality or territory in a registry division that, in his judgment, have become necessary, whether the locality or territory has or has not been subdivided according to a registered plan. R.S.O. 1950, c. 336, s. 26 (1-5).

(6) When an abstract index is to be recopied, every instrument entered in the abstract index, whether ruled off or not, shall be recopied and the registrar shall carefully preserve such abstract index which shall be available for inspection as in the case of current indexes. 1952, c. 91, s. 4.

27. Subject to section 28, the fees and expenses for services rendered under sections 24 and 26 shall be paid by the treasurer of the county, and a town separated from the county for municipal purposes and a city for which there is not a separate registry office shall pay to the county such equitable propor-
28. The Inspector may order the expenses of new surveys and plans, and the registration thereof under section 26, to be paid by the treasurer of any local municipality concerned, or in part by the county treasurer and in part by the treasurer of the local municipality, and the local municipality may, subject to the order of the Inspector, cause the expenses or part thereof to be levied by assessment on all rateable property comprised in the portion of the municipality affected by the plan or survey. R.S.O. 1950, c. 336, s. 28.

29.—(1) The registrar, in a book (Form 3) called the "Abstract Index", shall enter under a separate and distinct head each separate lot or part of a lot of land as originally patented by the Crown, or as defined on any registered plan of the subdivision of such land into smaller sections or lots.

(2) Every instrument that mentions such parcel or lot of land or other subdivision, the names of every party to the instrument and the nature of it, the registration number for each municipality in which land mentioned therein is situate, and the day, month and year of its registration, the consideration or mortgage money mentioned in it, and such a description of the land therein mentioned as will readily identify its location, shall, in addition to all entries required by law, be entered by the registrar in the abstract index in regular order under the proper heading of each separate parcel or lot of land. R.S.O. 1950, c. 336, s. 29.

30. Every registrar shall also keep, for each township, city, town and village, and for each town plot laid out by the Crown an alphabetical index of names (Form 4), exhibiting in columns the number of each instrument, the names of the grantors, and the names of the grantees. R.S.O. 1950, c. 336, s. 30.

INSTRUMENTS THAT MAY BE REGISTERED

31. Except as otherwise herein provided and subject to section 33, all instruments mentioned in section 1 may be registered. R.S.O. 1950, c. 336, s. 31.

32. For the purpose of accommodating a system of recording instruments by means of photographic duplicates, the Inspector may, by regulation, designate any registry division as an area to which this section applies, and, after the effective date of such designation, no instrument, other than a plan of survey, executed after that date shall be registered if
its dimensions are greater than \(8\frac{1}{2}\) inches by 14 inches. 1951, c. 78, s. 1.

**33.**—(1) Except as provided by subsection 8 of section 20, no instrument that affects land without local description shall be registered unless the instrument, when offered for registration, in addition to the ordinary proofs for registration, has attached to it a statutory declaration by one of the parties to the instrument, or by his attorney under registered power of attorney, or by the heirs, executors or administrators of the party, to the effect that the instrument affects land within the registry division, and giving a local or general description of the land sufficient to enable it to be traced or ascertained by a surveyor, and thereupon the instrument shall be recorded in the proper separate registry book and particulars thereof entered in the abstract index and in all other books in the same manner as if the instrument itself had contained the local description of the land. R.S.O. 1950, c. 336, s. 33 (1); 1951, c. 78, s. 2.

(2) Where an instrument affecting land without local description is, under this section, recorded in the separate registry books, it may be further recorded and entered therein so as to affect other land by local description by the registration of a statutory declaration (Form 15) to be made by any of the persons mentioned in this section.

(3) Where an instrument has been or is recorded in the general register, particulars thereof may be recorded in the separate registry books by the registration of a like statutory declaration.

(4) The last-mentioned statutory declaration shall be recorded in the proper registry books, and particulars thereof entered in the abstract index and in all other books in the same manner as upon the registration of an instrument that affects land by local description.

(5) Any statutory declaration mentioned in this section may, where one of the parties to an instrument is a corporation, be made by an officer thereof, or where one of the parties entitled to make a declaration is absent from Ontario it may be made by his solicitor.

(6) In this section, "local description" means a local or general description of land sufficient to enable the same to be traced or ascertained by a surveyor.

(7) Except mortgages, encumbrances or liens, made or given by the original nominee of the Crown, or by any person through whom a person, obtaining a grant of land from the Crown, derived title, no instrument affecting land that has
not been granted by the Crown shall be tendered for registration or registered. R.S.O. 1950, c. 336, s. 33 (2-7).

Proof for registration

34. — (1) An instrument other than a will, grant or lease from the Crown, Order in Council, by-law or other instrument under the seal of any corporation, certificate of judicial proceedings or an instrument that may be registered by deposit of a certified copy shall not be registered unless accompanied by an affidavit (Form 5) of a subscribing witness, not being a party to the instrument, as to the execution of the instrument by each party who appears to have executed it, setting forth the name, place of residence, addition, occupation or calling of the witness, and deposing to,

(a) the execution of the original and of the duplicate, if any, by the party to whose execution thereof he is a witness;

(b) the place of execution by the party;

(c) that he knows that the person who executed the instrument in his presence is the party to the instrument as to whose execution thereof he deposes;

(d) that he is a subscribing witness to the instrument.

(2) The affidavit shall be made on or securely attached to the instrument.

(3) An instrument may be registered notwithstanding that the given name or names of the subscribing witness making the affidavit is or are only set forth therein by initials or abbreviation and not in full.

(4) The proof of the execution of an instrument made before the 1st day of September, 1910, which was sufficient proof for registration before that day, is sufficient proof for registration under this Act. R.S.O. 1950, c. 336, s. 35.

35. An instrument, not purporting to convey the land therein mentioned, but which in its nature is, or purports to be, given as a security for the payment of a debt or liability incurred by the person executing it in respect of a purchase or delivery of any goods or in respect of an advance or loan of money, shall not be registered unless the affidavit of execution (Form 6) states that the instrument was read over and explained to the person executing it, and that he appeared perfectly to understand it, and was informed that it might be registered as an encumbrance on his land. R.S.O. 1950, c. 336, s. 35.

(Note.—See section 72 as to discharge of such claims.)
36.—(1) Every affidavit made under the authority of this Act shall be made before the registrar or deputy registrar of the registry division in which the land lies, or before some person authorized by law to take affidavits in or for use in Ontario.

(2) Where an affidavit of execution is made out of Ontario before a person who has not an official seal, it is sufficient for him so to certify. R.S.O. 1950, c. 336, s. 36.

37. The proof may be by affirmation or declaration when the person before whom the proof is made certifies that, by the law of the country where the proof is made, an affirmation or declaration may be substituted for an affidavit. R.S.O. 1950, c. 336, s. 37.

38. No person authorized to take affidavits shall take an affidavit of the execution of an instrument to which he is a party; nor shall such an affidavit be taken from a witness unless the witness has subscribed his name in his own handwriting as such witness. R.S.O. 1950, c. 336, s. 38.

39. Every subscribing witness is compellable, by order of a judge of the Supreme Court or of a county or district court, to make affidavit or proof of the execution of an instrument for the purpose of registration, and to do all other acts necessary for that purpose, upon being paid or tendered his reasonable expenses therefor. R.S.O. 1950, c. 336, s. 39.

40. Where the witnesses to an instrument are dead or are out of Ontario, or have become mentally ill, mentally defective, or of unsound mind or understanding, and whether so found by inquisition or not, or where an instrument not by law requiring an attesting or subscribing witness thereto has been executed without an attesting or subscribing witness, or if it is proved that the place of abode or residence of the first-mentioned witnesses is unknown, any person who is or claims to be interested in the registration of the instrument may make proof before any judge of any county or district court, of the execution of the instrument, and upon a certificate (Form 7) being endorsed on the instrument and signed by the judge, the registrar shall register the instrument and certificate. R.S.O. 1950, c. 336, s. 40.

41. The seal of a court of record affixed to an instrument of itself, and the seal of a corporation affixed to an instrument with the signature purporting to be the signature of the president, vice-president, manager, director, secretary, treasurer, attorney or other authorized person is sufficient.
42. Every judgment or order affecting land may be registered in the registry office of the registry division in which the land is situate on a certificate signed by the proper officer of the court setting forth the substance and effect of the judgment or order and the land affected thereby. R.S.O. 1950, c. 336, s. 41.

43.—(1) Where an instrument is registered, the registrar shall deliver a certified copy or copies thereof as may be required of him, and of all the documents connected with or relating to the instrument, under his signature and seal of office, and in his certificate he shall state the time, place and other particulars of registration, and that the copy that he so delivers is a true copy of the instrument, and of all the other documents connected with or relating to the instrument of which they respectively purport to be copies, and in the case of a will that the affidavit proving the due execution of it is deposited in his office.

(2) Every such certified copy may be registered in any other registry office, by deposit thereof, without production of the original instrument and without proof other than the production of the copy so certified.

(3) Where an instrument is deposited in an office of land titles, or is registered in the office of the clerk of a county or district court, a copy thereof certified by the officer in whose office it is deposited or registered may be registered in any registry office in the same manner as a copy of an instrument certified by a registrar.

(4) A power of attorney or other instrument conferring authority upon an officer or person to act for an incorporated company, executed by the company and deposited in the office of any department of the Government, may be registered by the deposit of a copy thereof certified by the proper officer of that department and without production of the instrument or proof of the execution thereof. R.S.O. 1950, c. 336, s. 43.

(Note.—As to evidence by certified copy, see The Evidence Act, R.S.O. 1960, c. 125, s. 51.)

44. A notarial copy of an instrument executed in the Province of Quebec, the original of which is filed in a notarial office according to the law of Quebec, and a prothonotarial copy of an instrument executed in Quebec may be registered and shall be treated under this Act for all purposes as if it
were the original instrument, and such notarial or prothono-
tarial copy with the seal of the notary or prothonotary at-
tached shall be registered without any other proof of the
execution of the original thereof. R.S.O. 1950, c. 336, s. 44.

45. Every deed or conveyance and every charge or mort-
gage registered under this Act shall by endorsement thereon
show the full name and place of residence, giving the street
number, if any, of the grantee or mortgagor, as the case may
be. R.S.O. 1950, c. 336, s. 45.

46. Where an instrument or an affidavit of execution is
written wholly or in part in a language other than English
there shall be produced with the instrument or the affidavit
of execution a translation into English, together with an
affidavit by the translator stating that he understands both
languages and has carefully compared the translation with the
original, and that the translation is in all respects a true and
correct translation, and the registrar shall not enter the instru-
cent or affidavit in the language in which it is written but
shall copy from the translation. R.S.O. 1950, c. 336, s. 46.

MANNER OF REGISTERING

47.—(1) Unless otherwise provided, every instrument
that may be registered under this Act shall be registered
upon and by delivery to and deposit with the registrar of the
instrument or of a duplicate or other original part thereof
with all necessary affidavits, and, unless otherwise provided,
every such instrument shall be recorded at full length in the
proper book, or by means of photographic film reproduction,
including every certificate and affidavit accompanying it,
except the registrar’s certificates. R.S.O. 1950, c. 336, s. 47 (1);
1954, c. 83, s. 6.

(2) The registrar is not bound to receive for registration
or to register an instrument unless the proper fees are first
paid.

(3) Every instrument registered shall be forthwith stamped
on every page by the registrar with a perforating stamp bear-
ing the word “Registered”. R.S.O. 1950, c. 336, s. 47 (2, 3).

48.—(1) When a mortgage has endorsed upon it the
words “Not to be recorded in full”, the mortgage shall not be
copied into the registry book.

(2) The mortgage shall be numbered as other instruments
are required to be numbered in the registry book in its proper
order, and the marginal note made as required by section 55,
and the registrar shall at the time of the registration enter
(3) After the registration of the mortgage the registrar, upon the application of any person claiming to be interested in the mortgaged land, and upon payment of the prescribed fees as set out in section 99, less the amount already paid for registration, shall cause the mortgage to be recorded in full in the registry book or by means of photographic film reproduction. R.S.O. 1950, c. 336, s. 48 (5); 1954, s. 83, s. 7.

(4) The registrar shall indicate in the abstract index, in the case of the registration of a mortgage endorsed "Not to be recorded in full", that the same has not been recorded in full, and where it has afterwards been recorded in full under subsection 3, the registrar shall note in the abstract index opposite the entry "Subsequently recorded in full", giving the date of recording and the number and page of the registry book.

(5) In this section, "mortgagee" includes the assignee of a mortgage and a person obtaining any security coming within the terms of section 35 and "mortgage" includes an assignment of a mortgage and an agreement to extend the time for payment of a mortgage or any such security. R.S.O. 1950, c. 336, s. 48 (6, 7).

49.—(1) No instrument purporting to be signed or executed by any person by attorney shall be registered unless, at or before the time of registration, the original power of attorney, or a copy thereof certified for registration, is registered in the same registry office and the date of registration and registration number thereof are indicated in the body or margin of the instrument tendered for registration, but, when the power of attorney or a certified copy thereof cannot be produced, proof may be made before a judge of any county or district court of the execution of the instrument, and upon a certificate (Form 7) being endorsed on the instrument and signed by the judge that he is satisfied by the proof adduced of the due execution of the instrument the registrar shall register the instrument and certificate.

(2) Where an instrument, signed or executed by any person by attorney, is registered the registrar shall enter a note of the fact of such signature or execution by attorney, giving the
name of the attorney, on the abstract index and on all abstracts of title thereafter furnished by him relating to the land affected by the instrument.

(3) Subsection 1 does not apply to instruments purporting to be executed by attorneys or commissioners for the Canada Company, the Trust and Loan Company of Canada, the Scottish Ontario and Manitoba Land Company, the North British Canadian Investment Company, the North of Scotland Canadian Mortgage Company, Limited, or the Scottish American Investment Company. R.S.O. 1950, c. 336, s. 49.

50. Where an instrument in two or more original parts is registered the registrar shall endorse upon each of the parts a certificate of the registration (Form 8) and any part so certified shall be received as prima facie evidence of the registration of the instrument and of the due execution of the same. R.S.O. 1950, c. 336, s. 50.

51. Where an instrument includes parcels of land situate in different municipalities in the same registry division, it is only necessary to furnish the instrument or one original part of the instrument, with an affidavit of its execution, and the instrument and affidavit shall be copied into the registry book for each municipality or place wherein any of the land therein mentioned is situate, and the registrar shall make the necessary entries and certificates. R.S.O. 1950, c. 336, s. 51.

52.—(1) A deed, conveyance, mortgage, assignment of mortgage, release or quit claim that is made by one or more men or women shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by such person or any one of such persons, as the case may be, or, if the document is executed by an attorney, by that attorney, deposing or declaring that such person is or such persons are of the full age of twenty-one years.

(2) A deed, conveyance, mortgage, release or quit claim that is executed after the 25th day of June, 1939, and that is made by a man, and a woman joins therein as his wife to bar her dower, shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by such man or woman, or, if the document is executed by an attorney, by that attorney, deposing or declaring that they are legally married.

(3) A deed, conveyance, mortgage, release or quit claim that is made by a man and no one joins therein as his wife shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by the man,
or, if the document is executed by an attorney, by that attorney, deposing or declaring that the man is married, unmarried, divorced or a widower, as the case may be.

(4) Where it is made to appear to the judge of a county or district court that the affidavit or statutory declaration required by subsection 1, 2 or 3 cannot be obtained conveniently, the judge may, upon such evidence by affidavit or otherwise as he deems proper, dispense with the affidavit or declaration, and thereupon he shall endorse upon the instrument or securely attach to it his order directing the registrar to register the instrument notwithstanding the absence of the affidavit or declaration, and the registrar shall thereupon register the instrument.

(5) In the case of a conveyance, the registrar shall copy the affidavit, declaration or judge's order in the register with the copy of the conveyance.

(6) Subsection 1 does not apply,

(a) to a wife who joins in a deed, conveyance, mortgage, assignment of mortgage, release or quit claim solely for the purpose of barring her dower;

(b) to a mortgage of leasehold lands; or

(c) to a deed, conveyance, mortgage, assignment of mortgage, release or quit claim made by an executor or administrator or a trustee under a will or by the Public Trustee or any other person dealing with lands in an official capacity.

(7) Subsections 2 and 3 do not apply,

(a) to a conveyance made in pursuance of a power of sale contained in a mortgage;

(b) to a deed, conveyance, mortgage, assignment of mortgage, release or quit claim made by men or women who are the registered owners of lands as trustees or as holding the lands as partnership property or as joint tenants or under power of appointment if they are so described in the conveyance of the lands to them;

(c) to a mortgage of leasehold lands; or

(d) to a deed, conveyance, mortgage, assignment of mortgage, release or quit claim made by an executor or administrator or trustee under a will or by the Public Trustee or any other person dealing with lands in an official capacity. 1958, c. 94, s. 1.
53.—(1) In this section, "assurance" includes a gift, conveyance, appointment, lease, transfer, settlement, mortgage, charge, encumbrance, devise, bequest and every other assurance by deed, will or other instrument. 1954, c. 83, s. 8, part.

(2) Where an assurance of land is made to or for the benefit of a corporation, the assurance shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by an officer of the corporation or by the solicitor for the corporation or by the attorney appointed for the purpose of executing such assurance on behalf of the corporation under a power of attorney registered in accordance with the provisions of this Act that such assurance is not made contrary to section 2 of The Mortmain and Charitable Uses Act. 1954, c. 83, s. 8, part; 1955, c. 70, s. 2 (1).

(3) Where it is made to appear to the judge of a county or district court that the affidavit or statutory declaration required by subsection 2 cannot be obtained conveniently, the judge may, upon such evidence by affidavit or otherwise as he may deem proper, dispense with the affidavit or declaration, and thereupon shall endorse upon the assurance or securely attach thereto his order directing the registrar to register the assurance notwithstanding the absence of the affidavit or declaration, and the registrar shall thereupon register the assurance. 1954, c. 83, s. 8, part.

(4) This section does not apply to an assurance made to or for the benefit of,

(a) a corporation that is licensed or registered under The Insurance Act, The Investment Contracts Act or The Loan and Trust Corporations Act; or

(b) a bank to which the Bank Act (Canada) applies; or

(c) Central Mortgage and Housing Corporation; or

(d) a corporation all the shares of which are held by or in trust for the Crown in right of Canada or any province of Canada; or

(e) a board, commission or other body all the members of which are appointed by the Governor General in Council or by the Lieutenant Governor in Council; or

(f) a municipality within the meaning of The Department of Municipal Affairs Act; or

(g) an authority established under The Conservation Authorities Act. 1954, c. 83, s. 8, part; 1955, c. 70, s. 2 (2); 1960, c. 102, s. 2.
54.—(1) When an instrument is registered the registrar shall make an entry thereof in the abstract and alphabetical index books, and record the instrument in the registry book in the order in which it is received, and file it with the affidavit of execution and any other affidavit or certificate accompanying it, and shall endorse on every such instrument and upon every duplicate or other original part of it a certificate (Form 8) and shall therein mention the year, month, day, hour and minute in which the instrument was registered, stating in what book it has been recorded, and the registration number, and shall sign the certificate, which shall be allowed and taken in all courts as evidence of the respective registries.

(2) The registrar shall see that all copies of instruments in the registry books are true copies, and he or his deputy or clerk shall certify all such copies by writing “Examined and certified true copy” in the margin opposite every copy in the book, appending his initials and the date.

(3) When a registry book is completed the registrar, his deputy or clerk, shall at the end thereof show by a statutory declaration that the copies contained in the book and certified by him are true copies of the original instruments of which they purport to be copies. R.S.O. 1950, c. 336, s. 53.

55. Every page of the registry book and every instrument recorded therein shall be numbered and the year, month, day, hour and minute of registration shall be entered in the margin of the registry book (Form 9), and the entry shall be signed by the registrar or his deputy. R.S.O. 1950, c. 336, s. 54.

56. Grants from the Crown shall be registered by registering the grant or an exemplification thereof or by producing the grant or an exemplification thereof, with a true copy thereof with an affidavit verifying the copy, and the copy shall be deposited with the registrar, and the correctness of it shall be verified by the registrar or his deputy. R.S.O. 1950, c. 336, s. 55.

57. Orders in Council shall be registered by depositing a copy of the order certified by the clerk of the council in accordance with The Custody of Documents Act. R.S.O. 1950, c. 336, s. 56.

58.—(1) A will shall be registered,

(a) by the production of the original will and the deposit of a true copy thereof with an affidavit verifying the copy, and with an affidavit sworn to by one of the subscribing witnesses to the will proving the due execution thereof by the testator; or
(b) by the production of probate or letters of administration with the will annexed, or an exemplification or certified copy thereof, under the seal of any court in Ontario, or in Great Britain and Ireland, or in any British province, colony, or possession, or in any foreign country having jurisdiction therein, and by depositing a true copy of the probate, letters of administration, or exemplification or certified copy with an affidavit verifying the copy or by depositing the probate, letters of administration, exemplification or certified or notarial copy.

(2) The correctness of the sworn copy shall be verified by the registrar or his deputy.

(3) Where a will is registered by the production of the original will, the affidavit of the subscribing witness or of some other person shall state that the testator is dead.

(4) Unless with the consent in writing of the Treasurer of Ontario or of some one authorized by him to consent, an original will or an exemplification or certified copy of probate or letters of administration with the will annexed under the seal of any court in Great Britain and Ireland, or in any British province, colony or possession, or in any foreign country having jurisdiction therein, shall not be registered under this section unless accompanied by a certificate of the registrar of the surrogate court of the county in Ontario where the deceased had a fixed place of abode, or where the lands, or any of them, devolving by the will are situate, showing that an affidavit has been filed with him similar to that required by section 13 of The Succession Duty Act, and such certificate shall be deposited with the registrar.

(5) All wills shall be recorded in the general register and properly indexed, and where a will contains a devise of or charges, or otherwise affects land described therein by a description sufficient to readily identify the land, it shall also be entered in the abstract index against the lands so described.

(6) Subject to subsection 4, whether letters probate or letters of administration have or have not been granted, no deed, grant, conveyance, mortgage, assignment of mortgage, discharge of mortgagee or other instrument purporting to convey, transfer or assign,

(a) any property standing in the name of a deceased person or held in trust for him or in the names of a deceased person and any other person;

(b) any property over which the deceased person had, at the time of his death a general power of appoin-
ment, notice of which appears in any register, book, document or instrument or on any abstract in the registry office;

(c) any property in which the deceased person at the time of his death had any registered beneficial interest whatsoever,

shall be tendered for registration, unless the consent in writing of the Treasurer of Ontario is attached thereto or endorsed thereon, and until such consent is given, notwithstanding anything contained in The Devolution of Estates Act, any land so conveyed does not vest in the person beneficially entitled thereto or his assigns or any person claiming under him.

(7) The Treasurer of Ontario may issue a general certificate that all succession duty payable in respect of the estate or any lands forming part of the estate of a deceased person have been paid and satisfied or that security for such payment as required under The Succession Duty Act has been given, and upon registration of the certificate it is not necessary that subsection 6 be complied with in respect to any lands described in the certificate; provided the date of registration and registration number of such general certificate are indicated in the body or margin of the instrument tendered for registration. R.S.O. 1950, c. 336, s. 57 (1-7).

(8) A certificate to be registered under subsection 7 shall contain a local description of the lands mentioned therein or a description by reference to a registered instrument and registration thereof shall be made by production of the original certificate and deposit of a notarial copy thereof or of so much thereof as relates to the lands situate in the registry division for which the same is to be registered. 1957, c. 107, s. 3.

(9) Certificates registered under subsection 8 shall be recorded in the general register and particulars thereof entered in the abstract index against the lands described therein.

(10) Notwithstanding anything herein, the above consent shall be required only once in connection with the same property in the same estate.

(11) Subsections 6 to 10 do not apply where the deceased person died prior to the 1st day of January, 1930. R.S.O. 1950, c. 336, s. 57 (9-11).

59. Letters of administration that under The Devolution of Estates Act affect land shall be registered in the same manner as a probate of a will. R.S.O. 1950, c. 336, s. 58.
60. No instrument purporting to convey or otherwise deal with land in any manner shall be registered if executed by any person as devisee, legatee, executor or administrator of the estate of a deceased person who at the time of his death appears from the register to have been in any wise possessed of or interested in the land in question unless before the time of registration of the instrument the will or the letters probate of the will or the letters of administration under which the person executing the instrument claims to be entitled has or have been registered in the registry division in which the land in question is situate and the date of registration and registered number thereof have been inserted in the body of the instrument or in its margin. R.S.O. 1950, c. 336, s. 59.

61.—(1) A notice of sale of land under The Mortgages Act and a notice of exercising the power of sale contained in any mortgage and the affidavit or declaration of service thereof may be registered, and shall be registered in the same manner as an instrument affecting land; provided that no affidavit of execution is required and it is not necessary to record the notice or the affidavit or declaration of service attached thereto in the registry book.

(2) The affidavit or declaration shall be made by the person who served the notice, and shall prove the time, place and manner of the service, and that the copy delivered to the registrar is a true copy of the notice served.

(3) A copy of the registered notice and affidavit or declaration certified under the hand and seal of office of the registrar is prima facie evidence of the service of the notice as stated in the affidavit or declaration.

(4) Where the person who served the notice is dead or out of Ontario, or where it is proved to the satisfaction of a judge of a county or district court that the place of abode of such person is unknown, or that he is incapable of making an affidavit or declaration of service, or where service of the notice has been or is duly admitted, any person who is or who claims to be interested in the registration of the notice may make proof before the judge of the service of the notice, and upon a certificate of the judge endorsed on or attached to the notice and signed by him to the effect that from the proof adduced by the person producing the proof, naming him, he is satisfied of the due service of the notice, the registrar shall register the notice and certificate.

(5) Where the notice cannot be produced to be registered, any person who is or who claims to be interested in the registration of the notice may make proof before the judge of the service thereof and of the inability to produce the notice, and
upon depositing a certificate of the judge to the effect that from the proof adduced by the person producing the proof, naming him, he is satisfied of the due service of the notice upon the person served, naming him, and that the notice cannot be produced, the registrar shall register the certificate, and a copy of such certificate under the hand and seal of the registrar is prima facie evidence of the facts therein stated.

(6) Where a notice of sale or a certificate of a judge under subsection 4 or 5 has been registered, the notice or certificate may be registered in any other registry office by depositing a copy thereof, certified in the manner provided by section 43.

R.S.O. 1950, c. 336, s. 60 (1·6).

(7) No final order of foreclosure or instrument purporting to be a conveyance of land under power of sale contained in an unregistered mortgage or a mortgage that has been registered "not in full" shall be registered until the mortgage and any assignment thereof has been duly registered and copied or reproduced in full pursuant to subsection 3 of section 48.

R.S.O. 1950, c. 336, s. 60 (7); 1954, c. 83, s. 9.

NOTE.—As to registration of orders and judgments for alimony, see The Judicature Act; as to registration of notice of seizure of a mortgage by sheriff, see The Execution Act; as to registration of mechanics' liens and discharges of liens, see The Mechanics' Lien Act, and for liens on mining claims and rights, The Mining Act. See also The Northern Development Act, being Chapter 34 of the Revised Statutes of Ontario, 1937, and The Mental Hospitals Act.)

62. The registration of an instrument executed before the 1st day of January, 1866, may be made through a memorial or by certificate or otherwise, as provided by the law in force before that date. R.S.O. 1950, c. 336, s. 61.

63. The proof that would before the 1st day of January, 1866, have been sufficient for the registration of an instrument executed before that date, is sufficient for the registration of any such instrument, but the instrument shall be recorded at full length, and the memorial and affidavit shall be deposited with the registrar in lieu of the original. R.S.O. 1960, c. 336, s. 62.

64.—(1) An instrument that has been registered by memorial, and has endorsed thereon a certificate of the registration thereof, may be reregistered in the same or any other registry division by the production of the original instrument and by the deposit of a copy with an affidavit verifying the same.
(2) The registrar shall record the instrument, the affidavit of verification and the certificate of former registration at full length, and shall write in the margin of the registry book the words "Original not deposited", and, where the former registration was made in the same office, the registrar shall write upon the entry of the memorial in the registry book a memorandum as follows: "Reregistered and recorded in full as No............", giving a reference to the number and registry book where the instrument is recorded in full, and he shall also note the reregistration in red ink wherever the memorial is entered in an abstract index.

(3) The registrar shall also endorse upon the original instrument a certificate of the reregistration (Form 8). R.S.O. 1950, c. 336, s. 63.

65.—(1) In the case of a registered mortgage the registrar on receiving a certificate (Form 10), executed by the mortgagee, his executors, administrators or assigns, or by such other person as may be entitled by law to receive the money and to discharge the mortgage, and duly proven in the manner provided for the proof of other instruments, shall register the certificate, and record it and every affidavit attached to or endorsed on it, at full length in the proper order, in the registry book, and number it in like manner as other instruments are required to be registered, recorded and numbered.

(2) Where a discharge of mortgage is tendered for registration there shall be produced to the registrar the duplicate mortgage and assignments thereof, if any, or a declaration by the person signing the discharge stating that the original duplicate mortgage or duplicate of any assignment thereof cannot be produced and the reason therefor, and in such case the declaration shall be securely attached to and filed away with the discharge and the duplicate so produced shall be returned to the party registering the discharge; provided that where any such assignment includes a mortgage of other property, production of that assignment is not required.

(3) Where the person signing the discharge has since died or is out of Ontario or his place of residence is unknown to the person interested in the registration of the discharge, or where in the opinion of the registrar for any other reason the necessary declaration cannot be obtained conveniently, the registrar may register the discharge upon receiving a declaration from some person having a knowledge of the facts stating reasons satisfactory to the registrar why a declaration by the proper person cannot be obtained, provided that if the registrar then refuses to register the discharge, the person interested in the registration of the discharge may apply to a county
judge for an order permitting the registration, and in such case the declaration or judge's order shall be securely attached to and filed with the discharge.

(4) The duplicate mortgage and any duplicate assignment produced, before being returned, shall be stamped by the registrar with a perforating stamp bearing the words "Discharge Registered" across the signatures of the parties executing the mortgage and assignment, if any, and on the registrar's certificate of registration.

(5) No additional fee shall be charged for filing the declaration referred to in subsections 2 and 3 and it is not necessary to copy the declaration in the register. R.S.O. 1950, c. 336, s. 64.

**66.** Where a loan corporation that has acquired the assets of another loan corporation by amalgamation of such corporation desires to discharge any of the mortgages of such corporation and the certificate of amalgamation has been registered, it is sufficient to set forth in the instrument to be registered the fact of the assent of the Lieutenant Governor in Council to the amalgamation with the date of the certificate of amalgamation and its registered number in the registry division in which the land affected is situate, or mentioning the Act by which the loan corporations were amalgamated or by which the agreement was ratified, and upon registration of the discharge the registrar shall enter in the abstract index the facts mentioned in the discharge. R.S.O. 1950, c. 336, s. 65.

**67.**—(1) Where a mortgage has been paid off by any person advancing money by way of a new loan on mortgage on the same land and the mortgage so paid off or the discharge thereof is held by the mortgagee making the new loan, the discharge of the mortgage so paid off shall be registered within six months from the date thereof, unless the mortgagor has authorized, in writing, the retention of the discharge for a longer period.

(2) The registration does not affect the right, if any, of the mortgagee who may have paid off such mortgage, his assignee, or any person claiming under him, by purchase or otherwise, to be subrogated to the rights of the mortgagee whose mortgage debt has been so paid. R.S.O. 1950, c. 336, s. 66.

**68.**—(1) Where the person entitled to receive the mortgage money and to discharge a registered mortgage is not the original mortgagee, he shall, at his own expense, cause to be registered before the registration of the certificate of discharge all the instruments or documents through which he
claims interest in and title to the mortgage money, and until those instruments or documents are registered the certificate of discharge shall not be tendered for registration or registered.

(2) Where it is made to appear to the judge of a county or district court that any instrument or document through which any person claims interest in and title to mortgage money has been destroyed or cannot be found, the judge may, upon such evidence by affidavit or otherwise as he may deem proper, dispense with the registration thereof and thereupon shall endorse upon the certificate of discharge or firmly attach thereto his order directing the registrar to register the certificate of discharge notwithstanding the failure to register the instrument or document, and the registrar shall thereupon register the certificate of discharge.

(3) The certificate shall mention the date and the date of registration and the registration number of each of the instruments or documents through which the person executing the certificate claims interest in and title to the mortgage money, and the names of the parties thereto.

(4) This section applies to powers of attorney where the certificate of discharge or prior instrument or document is executed by attorney, provided that it is sufficient in the certificate of discharge to state the date of each instrument, document or power of attorney and the names of the parties thereto, and to endorse on the certificate the date of registration and registration number of each instrument, document, or power of attorney, which endorsement shall be signed by the person who signed the certificate, or his attorney or agent, and the endorsement shall be deemed to be part of the certificate.

(5) Where probate of will or letters of administration with the will annexed is required to be registered under this section, and the will is over seven folios in length, including the probate or letters, and does not affect land in the registry division, except in so far as the testator was the holder of a mortgage, it is not necessary to record the will at full length, but it is sufficient to deposit a copy of and record so much of the probate or letters as shows the grant of probate or letters and the appointment of executors or administrators.

(6) The copy shall be accompanied by an affidavit of the executors or administrators, or of one of them, or of his or their solicitor, verifying it and stating that there is nothing in the will limiting the right of the executors or administrators to receive the mortgage money and discharge the mortgage, and that the will does not affect land in the registry division in which the probate or letters is to be registered, except in
(7) Where the person whose duty it is to register such instruments or documents refuses or neglects to register them within fifteen days after payment of the mortgage money to him, the person entitled to redeem the mortgage may, on giving ten days notice in writing to the person so refusing or neglecting, apply in a summary manner to a judge of the county or district court of the county or district wherein the land or any part thereof mentioned in the mortgage is situate for an order directing that the person so refusing or neglecting shall within a time to be fixed by the judge register the instruments or documents at his own expense, and the judge, upon being satisfied by affidavit or oral evidence that the application is a proper one, may make the necessary order.

(8) On being satisfied of the due service of the notice the judge may proceed in the absence of the person so refusing or neglecting.

(9) The notice shall state that it is given in pursuance of this section. R.S.O. 1950, c. 336, s. 67.

69.——(1) Where the holder of a mortgage desires to release or discharge part of the land comprised in it, or to release or discharge part of the money secured by the mortgage, he may so do by deed or by certificate to be made, executed, proven, and registered in the same manner and with the like effect to the land or money released or discharged as when the whole land and mortgage are released and discharged.

(2) The deed or certificate shall contain as precise a description of the land released or discharged as is required in an instrument of conveyance for registration, and also a precise statement of the particular sum so released or discharged. R.S.O. 1950, c. 336, s. 68.

70. Every certificate of payment or discharge of a mortgage or of the conditions therein or of the lands or any part thereof, at any time given, and whether before or after the time limited by the mortgage for payment or performance, if in conformity with this Act is, when registered, a discharge of the mortgage or of the lands described in the certificate, as the case may be, and is as valid and effectual in law as a release of the mortgage or of the lands and as a conveyance to the mortgagor, his heirs or assigns of the original estate of the mortgagor therein. R.S.O. 1950, c. 336, s. 69.

71.——(1) Where a sheriff, bailiff of a division court or other officer, under a writ or warrant of execution against goods,
seizes a mortgage belonging to the person against whose goods the writ or warrant has issued, on or affecting land in Ontario, the payment of the mortgage money in whole or in part to the sheriff, bailiff, or other officer by the mortgagor, or any other person or any person claiming under him, satisfies the mortgage to the extent of such payment.

(2) After payment of the mortgage money or any part thereof, the sheriff, bailiff, or other officer shall, at the request and expense of the person requiring it, give a certificate (Form 11) under the hand and seal of office of the sheriff or other officer, or under the hand of the bailiff and the seal of the court of which he is bailiff.

(3) Upon the written request of the bailiff the clerk of the court shall affix to the certificate the seal of the court and he shall file the request of the bailiff in his office.

(4) The execution of the certificate shall be proved in the same manner as in the case of other instruments affecting land, and the certificate shall be registered in the same manner as other certificates of discharge.

(5) The certificate when registered, if it is of payment in full of the mortgage, is as valid and effectual in law as a release of the mortgage and as a conveyance to the mortgagor, his heirs, executors, administrators, or assigns, or any person lawfully claiming by, through or under him or them, of the original estate of the mortgagor as if executed by the execution debtor.

(6) The certificate when registered, if it is of payment of only a part of the mortgage money, is as valid and effectual in law as a release of the mortgage, as to such part, as if executed by the execution debtor.

(7) Where a mortgage has been seized by a sheriff or bailiff of the division court or other officer in the manner provided by law, and the seizure has been withdrawn, vacated or for any other reason set aside, the sheriff, bailiff or other officer under whose hand notice of seizure has issued, may give a certificate directed to the registrar in whose office the notice of seizure is registered, to the effect that the seizure has been withdrawn, vacated or set aside as the case may be, and the certificate shall be registered in the registry office in the same manner and for the same fee as a discharge of mortgage.

R.S.O. 1950, c. 336, s. 70.

72. Instruments of the nature mentioned in section 35 may be discharged, and the land affected thereby released therefrom by depositing in the proper registry office a certificate of discharge (Form 12). R.S.O. 1950, c. 336, s. 71.
73.—(1) Where a mortgage registered since the 1st day of January, 1890, is purported to be discharged and the certificate purporting to be the discharge thereof has been registered for ten or more years, and wherever a certificate of *lis pendens* registered since the 1st day of January, 1890, has been vacated and the certificate of the judgment or order vacating it has been registered for two or more years, the registrar shall wherever the mortgage or the discharge thereof or any other instrument dealing exclusively with the mortgage and wherever the certificate of *lis pendens*, certificate of judgment or order vacating the same appear on any abstract index in his office, draw a line in red ink through all such entries and initial and date the same, and the lands described in the mortgage or certificate of *lis pendens* are validly discharged therefrom.

(2) Where a certificate purporting to be a partial discharge of mortgage registered since the 1st day of January, 1890, has been registered for ten or more years and the mortgage does not affect any portion of the lot other than the portion described in the certificate of partial discharge, the provisions of subsection 1 apply to the partial discharge of mortgage in like manner as they would to the mortgage if wholly discharged.

(3) Subsections 1 and 2 extend to and include also instruments described in and registered under sections 35, 71 and 72.

(4) Where a mechanics' lien registered since the 1st day of January, 1890, is purported to be discharged and the document purporting to be the discharge thereof has been registered for two or more years and wherever a mechanics' lien registered since the 1st day of January, 1890, has been registered for two years and no certificate of action has been registered as required by *The Mechanics' Lien Act*, and wherever a mechanics' lien has been so registered and a certificate of action has also been registered and the certificate of action has been vacated or discharged and the order or certificate of order vacating or discharging it has been registered for two or more years, the registrar shall, wherever such mechanics' lien or any assignment or discharge thereof, certificate of action, or order, or certificate of order vacating the same, appear on any abstract index in his office, draw a line in red ink through all such entries and initial and date the same and the mechanics' lien is validly discharged and the certificate of action is duly vacated.

(5) When a mechanics' lien has been registered as required by *The Mechanics' Lien Act* and a certificate of action has also been registered, and the certificate of action has been partially vacated or discharged, and the order vacating does not affect any portion of the lot other than the portion described in the vacating order, and the order or certificate
of order partially vacating or discharging the same has been registered for two or more years, the provisions as to striking out apply.

(6) Where the Inspector considers it advisable he may authorize a registrar to employ such additional assistance as may be necessary to do properly the work required to be done by this section and in determining the amount to be allowed for this work, the cost of such assistance shall be taken into consideration by the Inspector. R.S.O. 1950, c. 336, s. 72.

74. Where an entry of an instrument in an abstract index has been struck out under section 73 and the instrument has been reproduced on photographic film under this Act, the registrar may, with the approval of the Inspector, destroy the instrument. 1958, c. 94, s. 2.

75.—(1) Every by-law passed after the 29th day of March, 1873, by a municipal council under the authority of which any street, road or highway is closed or under the authority of which any street, road or highway is opened upon any private property shall, before it becomes effectual in law, be registered in the registry office of the registry division in which the land is situate, and the by-law shall be registered without further proof by depositing a copy certified under the hand of the clerk and the seal of the municipality.

(2) Every by-law passed before the 29th day of March, 1873, and every order and resolution of the quarter or general sessions of the peace passed before that day under the authority of which any street, road or highway has been opened upon any private property may at the election of any person or municipality interested and at the cost and charges of that person or municipality be registered by depositing a certified copy of the by-law under the hand of the clerk and the seal of the municipality, or a certified copy of the order or resolution of the quarter or general sessions under the hand and seal of the clerk of the peace.

(3) Every by-law, proclamation, Order in Council, order of the Ontario Municipal Board and other instrument of a public or quasi public nature whereby a village, town or city becomes incorporated, or the boundaries of any municipality are enlarged, diminished or altered, shall be registered in the proper registry office by the municipality passing or procuring the same, and a copy of a by-law, certified under the seal of the corporation and by the head and the clerk of the municipality, and a copy of the proclamation, Order in Council, order of the Ontario Municipal Board or other instrument certified by the clerk of the Executive Council or the secretary of the
Board, as the case may be, is sufficient proof for the purpose of registration.

(4) A money by-law of a municipal corporation shall be authenticated for registration by the production of a duplicate original or a copy of the by-law certified as required by The Municipal Act.

(5) The by-law or copy so certified shall be open to public inspection and examination at all reasonable times and hours upon payment of the proper fees. R.S.O. 1950, c. 336, s. 73.

REGISTRATION AND ITS EFFECT

76.—(1) After the grant from the Crown of land, and letters patent issued therefor, every instrument affecting the land or any part thereof shall be adjudged fraudulent and void against any subsequent purchaser or mortgagee for valuable consideration without actual notice, unless the instrument is registered before the registration of the instrument under which the subsequent purchaser or mortgagee claims.

(2) This section does not extend to a lease for a term not exceeding seven years where the actual possession goes along with the lease, but it does extend to every lease for a longer term than seven years. R.S.O. 1950, c. 336, s. 74.

(3) Subject to section 75, this section does not extend and shall be deemed never to have extended to,

(a) a by-law passed before the 6th day of April, 1954 under section 390 of The Municipal Act being chapter 243 of The Revised Statutes of Ontario, 1950 or a predecessor of that section;

(b) a by-law passed after the 5th day of April, 1954 under section 390 of The Municipal Act being chapter 243 of The Revised Statutes of Ontario, 1950 or under section 30 of The Planning Act;

(c) any other municipal by-law, heretofore or hereafter passed, affecting land that does not directly affect the title to land. 1954, c. 83, s. 10, amended.

77. Priority of registration prevails unless before the prior registration there has been actual notice of the prior instrument by the person claiming under the prior registration. R.S.O. 1950, c. 336, s. 75.

78. No equitable lien, charge or interest affecting land is valid as against a registered instrument executed by the same person, his heirs or assigns, and tacking shall not be allowed in any case to prevail against the provisions of this Act. R.S.O. 1950, c. 336, s. 76.
79. A registered mortgage is, as against the mortgagor, his heirs, executors, administrators, assigns and every other person claiming by, through or under him, a security upon the land comprised therein to the extent of the money or money’s worth actually advanced or supplied under the mortgage, not exceeding the amount for which the mortgage is expressed to be a security, notwithstanding that the money or money’s worth, or some part thereof, was advanced or supplied after the registration of a conveyance, mortgage or other instrument affecting the mortgaged land, executed by the mortgagor, his heirs, executors or administrators, and registered subsequently to the first-mentioned mortgage, unless before advancing or supplying the money or money’s worth, the mortgagee in the first-mentioned mortgage had actual notice of the execution and registration of such conveyance, mortgage or other instrument, and the registration of such conveyance, mortgage or other instrument after the registration of the first-mentioned mortgage, does not constitute actual notice. R.S.O. 1950, c. 336, s. 77.

80. The registration of an instrument under this or any former Act constitutes notice of the instrument to all persons claiming any interest in the land, subsequent to such registration, notwithstanding any defect in the proof for registration, but nevertheless it is the duty of a registrar not to register any instrument except on such proof as is required by this Act. R.S.O. 1950, c. 336, s. 78.

81. An instrument that is or purports to be a power of attorney or authority to sell land in which the commission, payment for services, or other remuneration of the attorney or agent is made a charge on the land, as against a subsequent purchaser or mortgagee for valuable consideration and as against the creditors of the person giving the power or authority, ceases to charge the land with the commission, payment for services, or remuneration after the lapse of one year from the making of the instrument. R.S.O. 1950, c. 336, s. 79.

82. A will or the probate thereof and letters of administration with the will annexed registered within twelve months next after the death of the testator is as valid and effectual against subsequent purchasers and mortgagees as if the same had been registered immediately after the death, and in case the devisee, or person interested in the land devised in any such will, is disabled from registering the same within such time by reason of the contesting of such will or by any other inevitable difficulty without his wilful neglect or default, then the registration of the same within twelve months next after his attainment of such will, probate or letters of administration, or the removal of such impediment is a sufficient regis-
tration within the meaning of this Act. R.S.O. 1950, c. 336, s. 80.

83. A deed of land made by a treasurer or other officer in pursuance of a sale for arrears of taxes shall be registered within eighteen months after the sale, and a deed of land sold under process issued from any court shall be registered within six months after the sale; otherwise any person claiming under any such sale shall be deemed not to have preserved his priority as against a purchaser or mortgagee for valuable consideration without actual notice who has registered his conveyance before the registration of such deed. R.S.O. 1950, c. 336, s. 81.

84.—(1) Except in the manner hereinafter provided after an instrument has been entered in the abstract and alphabetical indexes, and has been recorded in the proper registry book, no entry shall be made in the abstract index or in the alphabetical index respecting the instrument, nor shall any alteration or correction be made in any entry previously made respecting any instrument, or in any copy of any instrument in any registry book.

(2) The registrar shall immediately after becoming aware of any omission or error in recording cause to be made in red ink such entries, alterations or corrections as are requisite, and a memorandum stating the date of every such entry, alteration or correction shall be made in red ink in the margin of the index or registry book opposite or near thereto, and the memorandum shall be signed by the registrar or his deputy. R.S.O. 1950, c. 336, s. 82.

85. An instrument capable of and properly proved for registration and in respect of which the fees prescribed by this Act or demanded by the registrar have been paid shall be deemed to be registered when and so soon as it is delivered either personally or by mail to and received at his office during office hours by the registrar, or some officer or clerk in his office on his behalf, and thereafter no alteration shall be made by any person in the instrument. R.S.O. 1950, c. 336, s. 83.

86.—(1) Where land is surveyed and subdivided for the purpose of being sold or conveyed in lots by reference to a plan that has not been already registered, the person making the survey and subdivision shall within three months thereafter register a plan of the land on a scale not less than 100 feet to the inch and where the registrar consents the plan may be registered on a scale of not less than 200 feet to the inch.
and where the Inspector consents the plan may be registered on a scale of not less than 400 feet to the inch. 1954, c. 83, s. 12 (1); 1957, c. 107, s. 4 (1).

(2) The plan shall show the number of the township, city, town or village lots and range or concession as originally laid out, and all the boundary lines thereof, within the limits of the land being subdivided except where the plan is a subdivision of a lot or lots on a former plan, in which case it shall show the numbers or other distinguishing marks of the lot or lots subdivided and the boundary lines thereof.

(3) The number or other distinguishing mark and the width both front and rear shall be marked on each lot of the subdivision, the scale shall also be marked on the plan, and such information as will show the depth of the lots and the courses of all the boundaries of, or the division lines between the lots, and the governing line or lines to which such courses are referred shall also be indicated.

(4) The position of all the posts or monuments, if any, planted by the surveyor, or of other objects marking the boundaries of any of the lots or the corners thereof shall also be shown.

(5) The plan shall also show all roads, streets, railway land, rivers, canals, streams, lakes, mill-ponds, marshes or other marked topographical features within the limits of the land so subdivided, together with such other information as is required to show distinctly the position of the land.

(6) On every such plan the lots shall be so described and designated by numbers, letters or words that there shall not be more than one lot on the plan described and designated by the same number, letter or word, notwithstanding that the lots are on different sides of the same street or on different streets or in different blocks, and where the designation is by number the lots shall be numbered consecutively, but the provisions of this section do not apply to plans of burial plots in cemeteries. R.S.O. 1950, c. 336, s. 84 (2-6).

(7) The plan shall be drawn upon linen and shall not exceed thirty inches in length by twenty-four inches in width, but where necessary the plan may be made in sections provided each section does not exceed thirty inches in length and twenty-four inches in width, and upon registration of every such plan there shall be tendered to the registrar together with the original plan a duplicate original and a true copy made by photographic film or blueprint process approved by the Inspector and mounted on stiff pasteboard of good quality. 1954, c. 83, s. 12 (2).
(8) Where the plan is a plan of Crown land, the original plan shall remain in the custody of the Crown and upon registration of such plan there shall be tendered to the registrar two duplicate originals and a true copy made by photographic film or blue print process approved by the Inspector and mounted on stiff pasteboard of good quality. 1954, c. 70, s. 3.

(9) The plan, before being registered, shall be signed by the person or the chief officer of the corporation by whom or on whose behalf the plan is deposited, and shall also be certified by an Ontario land surveyor (Form 13).

(10) In the case of a survey hereafter made the plan shall be accompanied by a copy certified by the surveyor by whom the survey was made to be a true copy of the field notes, if any, of the survey.

(11) After the registration of the plan the registrar shall keep an index of the land described and designated by any number or letter on the plan by the name by which it is so designated.

(12) Every instrument affecting the land or any part thereof, executed after the plan is registered, shall conform and refer thereto, otherwise it shall not be registered, except in cases provided for by section 90.

(13) In the case of refusal or neglect by the person making the subdivision, for two months after demand in writing for that purpose, to register the plan in accordance with the provisions of this Act, when required by any person interested therein or by the Inspector so to do, he is guilty of an offence and on summary conviction is liable to a fine of $20 for every calendar month that thereafter elapses without the plan being registered.

(14) The signature on a plan shall be witnessed and verified as in the case of an instrument.

(15) Any public or private street, way, lane or alley or block, tract or lot, being the only access to a lot or lots laid down on a plan of survey and subdivision, shall, for the purposes of this section, be deemed to be a street or highway.

(16) The registrar shall not register a plan of a subdivision of land for which the Crown patent has not issued unless the assent of the Minister of Lands and Forests to the registration is endorsed on the plan.

(17) The registrar shall not register a plan of a subdivision of land unless the person by whom or on whose behalf the plan is tendered for registration appears on the registry books to be the owner of the land, nor unless the consent in writing
of all persons who appear by the registry books to be mortgagees of the land is endorsed on the plan and signed by such persons, or in the case of a corporation, by its chief officer, and such signatures are duly verified by affidavit; provided however that nothing in this section shall be deemed to require the consent to any such plan of the owner of any easement or right in the nature of an easement in respect of the land. R.S.O. 1950, c. 336, s. 84 (8-16).

(18) The registrar shall not register a plan of subdivision of land to which The Certification of Titles Act applies and that is in a certification area unless the person by whom or on whose behalf the plan is tendered for registration under this Act appears on the books of the registry office to be the owner of the land and unless there has been registered a certificate of his title to the land under The Certification of Titles Act and the consent of all persons who appear by such certificate to have an interest in the land is endorsed on the plan and signed by such persons or, in the case of a corporation, by its chief officer, and such signatures are duly verified by affidavit. 1958, c. 94, s. 3.

(19) When any such plan has been so registered the registrar shall make a record of it and enter on it the day and year on which it is registered.

(20) No plan of survey or subdivision to which The Planning Act applies shall be registered unless approved under that Act.

(21) Subject to section 91, this section applies as well to land already surveyed and subdivided as to that which may hereafter be surveyed and subdivided. R.S.O. 1950, c. 336, s. 84 (17-19).

87. The Inspector may direct that a plan index book, in the form prescribed by him, shall be kept by the registrar, and the municipal treasurer shall pay to the registrar on the order of the Inspector such sum as he may direct for the preparation in the first instance of the book and the work incidental thereto. R.S.O. 1950, c. 336, s. 85.

88.—(1) Whenever the Inspector deems that the public convenience so requires he may direct the registrar to subdivide any township, park or other lots in a city, town or village into such blocks for abstract purposes as, having regard to conveyances registered upon such lots and otherwise, he considers most convenient, and in such case an abstract index shall be prepared by the registrar for each of such blocks as if it had been originally a separate lot, and the same extends from the Crown patent onwards or from or
to such other date as the Inspector may direct, and shall contain those registrations only that affect the subdivision to which the index relates.

(2) Where the original lines of the lots do not form the boundaries of such blocks, public streets or such other limits as the Inspector directs shall be taken as the boundaries thereof.

(3) Where a plan of a subdivision of a lot or part of a lot has been or is registered, the registrar, when directed so to do by the Inspector, shall prepare an abstract of all instruments affecting the part subdivided, and enter the same in the page or pages of the abstract index book immediately preceding the abstract as to the first lot on the plan.

(4) Whenever a further subdivision of any of the lots on a plan is made, the registrar, when directed so to do by the Inspector, shall prepare and enter in like manner an abstract of all instruments affecting the part so subdivided from the registration of the previous plan.

(5) The registrar shall be allowed for preparing such abstracts, so far as they relate to instruments registered prior to the Inspector's directing the subdivision, such amount as the Inspector may determine to be reasonable for the services, and the same shall be paid by the owner who registers the plan, or by the county or city, as the Inspector may direct.

(6) For abstracts prepared for the purposes of plans hereafter registered, the registrar is entitled to receive from the persons registering the plans the prescribed fees for preparing an abstract in addition to the fees to be paid for registering the plans. R.S.O. 1950, c. 336, s. 86.

89. No instrument referring to an unregistered plan shall be registered unless an instrument referring to the plan has been registered in respect of the same land, and, if the registrar objects to the registration of an instrument on the ground that it refers to an unregistered plan, he may refuse to register the instrument unless the person desiring its registration refers the registrar to the number of an instrument registered in respect of the same land referring to the unregistered plan. R.S.O. 1950, c. 336, s. 87.

90.—(1) Where an instrument that does not conform and refer to the proper plan has been duly executed and any party thereto has died, or where it would, in the opinion of the registrar, be impossible or inconvenient to obtain a new instrument containing the proper description, the instrument may be registered if accompanied by an affidavit (Form 14) annexed thereto or endorsed thereon.
(2) The registrar shall thereupon enter the instrument in the abstract index in which the subdivision is entered under the lots designated in the affidavit, and no entry shall be made in the abstract index of the land before its subdivision. R.S.O. 1950, c. 336, s. 89.

91.—(1) A plan, although registered, is not binding on the person registering it, or upon any other persons unless a sale has been made according to the plan, and in all cases amendments or alterations thereof may be authorized or ordered to be made by a judge of the Supreme Court or by a judge of the county or district court of the county or district in which the land lies, on application for the purpose and upon hearing all persons concerned, upon such terms and conditions as to costs and otherwise as may be deemed just.

(2) Any such application may be made either by the person filing the plan or by the owner for the time being of any of the land covered thereby.

(3) An appeal lies from any such order to the Court of Appeal.

(4) No part of a road, street, lane or alley upon which any lot of land sold abuts, or which connects any such lot with or affords access therefrom to the nearest public highway, shall be altered or closed up without the consent of the owner of such lot; but nothing herein interferes with the powers of municipal corporations with reference to highways. R.S.O. 1950, c. 336, s. 89.

92. The council of any municipality may apply to a judge of the county or district court of the county or district in which is situate the whole, or any part not being less than one-half, of the lands included in any plan, and the judge has power to make orders and directions,

(a) for the hearing of the application upon such notice as the judge directs;

(b) to cancel or suspend in whole or in part any registered plan;

(c) to close, divert or alter any or all highways, roads, streets or lanes shown on any such plan, either temporarily or permanently, or pending the suspension of the plan;

(d) to provide that the lands or any part or parts thereof shown on any such plan shall thereafter, or pending such suspension or until further order of the judge, be known and described by the original township.
or other registration numbers or designations used prior to the registration of any such plan, or such other numbers or descriptions as to the judge may seem convenient;

(e) to impose such terms and conditions as to the judge may seem proper;

(f) to fix and determine the fees and charges to be imposed and collected by registrars for all and any services under this section, and by whom the same shall be payable;

(g) to reinstate in whole or in part any plan suspended as aforesaid,

and the judge has power to make such further or other order, direction or disposition as he, in his discretion, may deem proper. R.S.O. 1950, c. 336, s. 90.

93. In sales of land under surveys or subdivisions made before the 4th day of March, 1868, where such surveys or subdivisions so differ from the manner in which the land was surveyed or granted by the Crown that the parcel so sold cannot be easily identified unless the plan is registered, the plan shall be registered if still in existence and procurable for registration, and if it is not a new plan shall be made by and at the joint expense of the persons who have made such surveys or subdivisions, and of all others interested therein, by an Ontario land surveyor, as nearly as may be according to the proper original survey or subdivision, and the new plan when so made, shall be registered as if under section 86. R.S.O. 1950, c. 336, s. 91.

94.—(1) Where a city, town, village, or territory forming part of a township comprises different parcels of land and the same were not jointly surveyed and one entire plan of such survey made and registered, the council of the city, town, village or township, upon the written request of the Inspector, shall immediately cause a plan of the city, town, village or part of a township to be made in accordance with this Act and to be registered in the registry office of the registry division within which the municipality lies.

(2) The plan shall have endorsed thereon the certificates of the clerk and head of the municipality and the surveyor that it is prepared according to the directions of the municipality and in accordance with this Act, and the corporate seal of the municipality shall be attached to the plan.
(3) Where such territory is situate in two or more townships the Inspector may, by a written order, cause the plan to be made and registered, and where the territory is situate in two or more registry divisions a duplicate of the plan shall be registered in each of such registry divisions.

(4) The plan shall have endorsed thereon the certificate of the surveyor that it has been prepared according to the order of the Inspector, and the order or a copy thereof shall be attached to or endorsed on the plan.

(5) The expense of the preparation and registration of a plan of territory, the inhabitants of which are not incorporated, situate wholly within one township, may be paid wholly or in part by the municipality out of its general funds, or the expense may wholly or in part, at the option of the municipality, be paid by a special rate to be levied by assessment on all rateable property comprised in such territory described by metes and bounds in a by-law to be passed for the purpose of levying such rate.

(6) The expense of the preparation and registration of a plan of territory, the inhabitants of which are not incorporated, situate in two or more townships, shall be paid out of the general funds of the municipalities in which the territory is situate, in such proportions as the Inspector may order, and any municipality may levy its proportion of the expense, or so much thereof as the council sees fit, by assessment on all rateable property comprised in the part of the territory situate in the municipality as described by metes and bounds in a by-law to be passed for the purpose of levying such rate.

(7) Upon the production to the registrar of a certificate signed by the head of the municipal council concerned certifying that a surveyor has been employed by the council to prepare a plan for registration under this section, the surveyor named in the certificate is entitled, within six months from the date thereof, to make personal searches of the books, plans and instruments in the registry office for the purpose of enabling him to prepare the plan on payment of the ordinary fees payable for searches and productions up to an aggregate amount not exceeding $25, and for all further searches and productions in excess of $25 on payment of one-half of the ordinary fees.

(8) Except as otherwise provided in this section, the expense of the preparation and registration of the plan shall be paid out of the general funds of the municipality.

(9) In case of the neglect or refusal of a municipality to comply with all the requirements of this section within six months next after being required so to do, the municipality is
guilty of an offence and on summary conviction is liable to a like fine to that provided by subsection 13 of section 86.

(10) Where land in a township has been or is sold under surveys or subdivisions made in a manner which so differs from that in which the land was surveyed or granted by the Crown that the parcel sold cannot be easily identified, and the plan has not been registered under this or any other Act, the council of the township may, upon the written request of the Inspector or of any person interested, cause a plan of the land to be made and registered in the same manner and with the same effect as in the case of territory the inhabitants of which are not incorporated, and the expenses of the preparation and registration of the plan shall be paid by a special rate to be levied by assessment on the land comprised in the plan as described in a by-law to be passed for the purpose of levying such rate.

(11) A plan prepared under subsection 1 or 10 shall show such subdivisions of original lots as are shown by the registered plans, and such as are not so shown but appear from the instruments relating to the land, with each of the lots as shown on the new plan numbered or lettered in such a manner that they may be readily identified, and the plan shall be prepared without adding to the costs thereof the expense of any actual survey on the ground except such as may be necessary to connect the subdivisions or parcels of land and to show any natural or artificial boundaries of the same that cannot be shown on the new plan from the information contained in the registered plans and instruments.

(12) Nothing in this section relieves any person from any liability, duty, obligation or penalty provided or imposed by or under any of the provisions of this Act.

(13) Where any land has been sold or conveyed in lots or parcels by metes and bounds, or in any other manner without a plan having been registered under this or any other Act showing such subdivisions, or where parts of lots shown by a registered plan have been sold or conveyed, and the lots or parcels so sold or conveyed are not distinguished by numbers or letters, a judge of the county or district court of the county or district in which the land is situate, on the application of the Inspector, after such notice as the judge may deem reasonable, may make an order directing the registrar to have the same, or any part thereof, laid out into lots or parcels in such manner and numbered as the judge thinks fit, and a plan or plans thereof to be made in accordance with the records in the registry office, or from actual survey, as may be found necessary, and registered in accordance with the provisions of
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this Act, and the order of the judge shall be endorsed on or  
attached to the plan and signed by him.  

(14) The costs and expenses of and incidental to the applica-  
tion and the plan and the registration thereof shall be borne  
by the person or municipality to be named by the judge in the  
order, and, where the costs and expenses are directed to be  
borne by the municipality, the judge may by his order direct  
repayment of them to the municipality by the levy of a special  
rate by assessment on all the lots included in the plan.  

(15) On filing the order with the clerk the order may be  
enforced as if it were a judgment of the court.  

(16) The registration of the plan is binding on all persons  
subsequently dealing with the land or any part thereof  
included in the plan or any interest in or concerning the same,  
but does not affect the rights or interests of any owner or  
other person entitled at or before the date of registration.  

(17) Where land is proposed to be subdivided by plan  
under subsection 13, the Inspector may cause the Attorney  
General to be notified of the application, and the Attorney  
General, on behalf of the Crown, may either submit that the  
Crown shall pay or contribute such part of the costs and  
expenses mentioned in subsection 14 as the judge may deter-  
mine to be reasonable, or the Attorney General may consent,  
on behalf of the Crown, that the Crown shall pay and con-  
tribute a definite part of such costs and expenses, and in either  
of such cases the judge may direct by what  

person or munici-  
pality the remainder of such costs and expenses shall be borne,  
and any such order may be entered and filed and may be  
enforced as against such person or municipality in the same  
manner as the order provided for in subsection 14. R.S.O.  
1950, c. 336, s. 92.  

95.—(1) Every person who is required to register a plan  
shall, with the plan, deposit with the registrar a duplicate  
thereof and a copy of the surveyor’s field notes, if any, certified  
to be such by the surveyor who prepared the plan, and the  
registrar shall endorse on the duplicate a certificate showing  
the number of the plan and the date when the plan was  
registered, and the duplicate shall, without fee, be delivered  
by the registrar to the clerk, treasurer or assessment commis-  
sioner of the local municipality in which the land is situate.  

(2) The registrar shall not register any such plan unless  
a duplicate thereof and a certified copy of the surveyor’s field  
notes, if any, are deposited in accordance with this section.  
R.S.O. 1950, c. 336, s. 93.
96.—(1) The Inspector may by direction designate an area as a subdivision plan area and thereafter no instrument by way of a deed on a sale of land in the area shall be registered,

(a) unless the land is described in accordance with and is within a registered plan of subdivision, but the Inspector may in his direction designate land which although within a registered plan of subdivision shall be deemed not to be within a registered plan of subdivision for the purposes of this subsection; or

(b) unless the land conveyed is more than 10 acres in area; or

(c) unless the land conveyed is the whole part remaining to the person of one parcel described in a registered conveyance to him.

(2) The direction shall be registered against the abstract indexes of all the land affected thereby.

(3) A direction under this section, although registered, may be altered or withdrawn by direction of the Inspector and such direction shall be registered against the abstract indexes of the lands affected thereby. R.S.O. 1950, c. 336, s. 94.

Reregistration Where Registry Books Lost, Etc.

97. Where the registry books and papers were, before the 4th day of March, 1868, lost or destroyed, and a memorial cannot be produced, upon proof being made to that effect before a judge of any court of record to his satisfaction as evidenced by a certificate under his hand, the registrar may reregister an instrument upon production thereof, and no further proof is required than the original certificate of registration endorsed on the instrument and the instrument has priority according to the date of the original certificate and shall be preserved by the registrar with the records of his office. R.S.O. 1950, c. 336, s. 95.

98. Where memorials have not been copied into the registry books in their proper order the Inspector may cause them to be entered in proper books to be procured for the purpose, in the manner provided by section 20, and the registrar shall be paid therefor in the same manner as under clause 1 of section 99. R.S.O. 1950, c. 336, s. 96.

(Note.—As to list of Crown grants being furnished to registrar, see The Public Lands Act, R.S.O. 1960, c. 324, s. 37, and as to proceedings where land patented is in territory under The Land Titles Act, see that Act, R.S.O. 1960, c. 204, s. 35.)
FEES OF REGISTRARS

99. Except where otherwise provided, a registrar is entitled to the following fees:

(a) For registering every certificate of discharge of mortgage including the certificate of registration, $2.50, and for registering every other instrument and one duplicate, if any, including the certificate of registration, $4.50.

If the instrument embraces lots or parcels of land situate in different municipalities in the same registry division, the registration and copying of the instrument, together with all necessary entries and certificates in connection therewith, shall be considered separate and distinct registrations for each municipality in which the land is situate.

If the instrument embraces more than four lots or parcels of land in the same municipality, the registrar shall be allowed a fee of 5 cents for entering each lot or parcel in excess of four.

(b) For searching the registry books and indexes relating to the title of any lot or part of a lot, 50 cents.

(c) For searching the alphabetical index of names referred to in section 30, as to each name in the books of any one township or other municipality in the registry division, 50 cents; but if a general search as to any such name is made throughout the registry division, the aggregate of fees for the search shall not exceed $2.

(d) For searching the general register referred to in section 20, as to each name, 50 cents.

(e) For an abstract of title to any parcel of land containing such particulars as to any number of registered instruments affecting the parcel as the applicant may require, a minimum fee of $3 including the fee for search and certificate, and in addition, for each instrument that requires inspection, 10 cents.

Where the abstract exceeds 100 words, 20 cents for each additional 100 words or part thereof.

(f) For each certificate furnished by the registrar, except a certificate under clause a, 50 cents.

(g) For registering every plan of subdivision, including all necessary entries connected therewith, $8; but if the plan embraces more than twenty lots, the registrar shall be allowed a fee of 10 cents for each lot in excess of twenty lots.
Searches in connection with registering a plan

(\(h\)) For searching for the names of registered owners and for mortgagees under subsection 17 of section 86 in connection with the registration of a plan, $1; but if the search embraces more than twenty lots, 5 cents for each lot in excess of twenty lots.

Statement under ss. 24 or 26

\((i)\) For furnishing copies required under section 24 or 26, 10 cents for each 100 words or fraction thereof.

Repairing books, etc.

\((j)\) For repairing under section 26 any book, or copying, mounting or binding plans, or for new plans and surveys, or for new abstract indexes, such sums as the Inspector may order in writing, specifying the nature of the service.

On payment of taxes

\((k)\) For registering certificate of payment of taxes, 25 cents.

Notices of sale

\((l)\) For registering notice of sale of land under power in mortgage, 50 cents.

Declaration for general register

\((m)\) For registering a declaration for registering instrument entered in general register, 50 cents.

Notice of liability under R.S.O. 1960, c. 242

\((n)\) For entering notice of liability to taxation and forfeiture under The Mining Tax Act, 50 cents a lot.

Instruments

\((o)\) For copies of instruments when required, 15 cents for each 100 words or fraction thereof.

Production of instruments

\((p)\) For exhibiting in the office each original registered instrument including search therefor, 10 cents, and for producing each original registered instrument including search therefor in pursuance of a judge’s order or subpoena, 10 cents in addition to the registrar’s ordinary witness fees. 1957, c. 107, s. 5.

\(100\.\) The Lieutenant Governor in Council may from time to time amend, repeal or add to any of the clauses or items in section 99. R.S.O. 1950, c. 336, s. 98.

\(101\.\) Where an Act of Ontario or of Canada requires or permits an instrument, document or plan to be deposited, filed or registered in a registry office or requires a registrar to perform any other duty, but omits to provide fees to the registrar for his services in connection therewith, and no fees therefor are provided by this or any other Act, the registrar, in the absence of any express provision requiring him to perform such services gratuitously, is entitled to such reasonable fees therefor as the Inspector shall fix to be paid by the person requiring the service to be performed. R.S.O. 1950, c. 336, s. 99.
102. In abstracts and certificates where figures are used instead of words to denote dates, numbers and quantities, the same shall be charged for as if each number, though composed of several figures, were but one word. R.S.O. 1950, c. 336, s. 100.

103. Subject to any general rules made under The Land Titles Act, a master or local master of titles may, by himself or by his clerks, without payment of fees, inspect all books and papers in a registry office for his own information as such master, but this provision does not apply to an application in which an abstract of title obtained for the purpose of such application has not been filed. R.S.O. 1950, c. 336, s. 101.

104.—(1) Where a dispute arises in regard to any question of fees under this Act, the registrar shall forthwith submit the dispute to the Inspector, and shall thereupon notify the person interested or his agent of such submission, and the decision of the Inspector upon the question submitted is final, unless appealed from and varied upon appeal as hereinafter mentioned.

(2) All decisions given by the Inspector shall be in writing, and the appeal therefrom shall be in like manner, and subject to the same rules of practice as nearly as may be as an appeal from a local master. R.S.O. 1950, c. 336, s. 102.

105.—(1) Every registrar shall keep posted up in some conspicuous place in his office a printed schedule of the fees and charges authorized under this Act.

(2) Every registrar shall, upon request of the person for whom the service is performed, furnish a statement in detail of the fees charged by him in respect of any matter for which fees are payable under this Act. R.S.O. 1950, c. 336, s. 103.

106. If the treasurer of a county or of a city in which a separate registry office is established refuses or neglects to pay the fees and allowances for any services required by this Act and performed by him which the registrar has requested and which the treasurer ought to pay, the registrar may sue for and recover the same from the corporation of the county or city, as the case may be, in any court of competent jurisdiction, and the Inspector’s certificate of the amount and of the services rendered is prima facie evidence of the right to recover. R.S.O. 1950, c. 336, s. 104.

107.—(1) Every registrar shall keep a separate book in which he shall enter from day to day all fees and emoluments received by him, showing separately the sums received for
registering each instrument, and for searches and for extracts or copies.

(2) Every registrar shall annually, on or before the 15th day of January, make to the Lieutenant Governor a return up to and including the 31st day of December of the next preceding year which shall show,

(a) the number of instruments registered and the fees therefor;
(b) the number uncopied and unpared;
(c) the number of patents registered and fees therefor;
(d) the number of deeds registered and fees therefor;
(e) the number of mortgages registered and fees therefor;
(f) the number of discharges of mortgages registered and fees therefor;
(g) the number of wills registered and fees therefor;
(h) the number of leases registered and fees therefor;
(i) the number of abstracts and fees therefor;
(j) the number of searches and fees therefor;
(k) the number of mechanics' liens and fees therefor;
(l) the number of all other instruments registered or deposited and fees therefor;
(m) the amount received for work done for which the county, city or other municipality is liable;
(n) the amount received for other services not enumerated above;
(o) the gross amount of fees earned for the year;
(p) the gross amount earned for the previous year;
(q) the amount paid to the deputy registrar for services and the amount of other charges in connection with the office paid by the registrar;
(r) the amount of surplus paid to the county or city for the year and when paid;
(s) the amount of such surplus for the previous year;
(t) the net amount received by registrar.

(3) The return shall also contain such other information as may be prescribed by the Lieutenant Governor in Council.
(4) The return shall be transmitted to the Inspector. R.S.O. 1950, c. 336, s. 105.

108.—(1) Upon the request of the council of a municipality, the registrar shall furnish annually, semi-annually or monthly in accordance with the request a list of all conveyances by which land in the municipality has been transferred, mortgaged or leased that have been registered in his office during the period specified in the request, and the list shall include, in respect of each such conveyance, the names and addresses of the parties, the consideration and a short description of the land. 1954, c. 83, s. 13.

(2) The registrar is entitled to a fee of 10 cents for every conveyance entered in the list. R.S.O. 1950, c. 336, s. 106 (2).

109.—(1) Every registrar is entitled to retain to his own use in each year his net income up to $5,000. R.S.O. 1950, c. 336, s. 107 (1); 1957, c. 107, s. 6 (1).

(2) Subject to section 113 of this Act and to section 5 of The Land Titles Act, every registrar shall, of the net income of each year over $5,000, pay to the treasurer of the county or city for which or for part of which he is registrar, the following percentages:

1. On the excess over $5,000 up to $6,000, 50 per cent.
2. On the excess over $6,000, 90 per cent. R.S.O. 1950, c. 336, s. 107 (2); 1957, c. 107, s. 6 (2).

(3) Notwithstanding subsections 1 and 2, the Lieutenant Governor in Council may fix the remuneration to be paid to any registrar. R.S.O. 1950, c. 336, s. 107 (3).

110. Where it appears by return to the Lieutenant Governor or to any department of the Government that in any year a registrar of deeds or an officer holding the office of registrar of deeds and local master of titles has derived from the fees, emoluments and salary, if any, of his office, after deducting necessary disbursements, an income that is less than his fixed annual salary, there may be paid on the report of the Inspector to such registrar or officer, out of the Consolidated Revenue Fund, an amount sufficient to make up the income for the year to his fixed annual salary, if the Lieutenant Governor in Council so directs. R.S.O. 1950, c. 336, s. 108; 1957, c. 107, s. 7.

111. For the purposes of this Act, "net income" means the excess of all fees and emoluments earned during the calendar year after deducting the disbursements incident to the business of the office. R.S.O. 1950, c. 336, s. 109.
112. The deduction from the gross income for the expenses connected with the work of, or in conducting the business of the offices of the registrars shall not be increased beyond the amount paid therefor in the year 1917, without the consent in writing of the Inspector. R.S.O. 1950, c. 336, s. 110.

113.—(1) On the 15th day of January in each year every registrar shall transmit to the treasurer of the county or city for which, or for part of which, he is registrar a duplicate of the return required by section 107, and shall also pay to such treasurer for the use of the municipality the percentages required by this Act to be paid by him.

(2) Where a registry division includes a county or part of a county and a city or town separated from the county for municipal purposes, the percentages shall be paid to the treasurer of the county and to the treasurer of the city or town for the use of the municipality in the proportions in which the gross fees and emoluments are derived from extracts, searches, registrations, and other charges in respect of land situate in the county, and in the city or town respectively. R.S.O. 1950, c. 336, s. 111.

114. Every registrar shall, on or before the 7th day of January in each year, transmit to the head of any municipality to which he has made payments in accordance with the provisions of this Act during the next preceding year a statement signed by him showing the amounts so paid and the dates of payment, and the head of the municipality receiving the statement shall cause it to be laid before the auditors when auditing the accounts of that year, and shall also read it at the first meeting of the council held after its receipt. R.S.O. 1950, c. 336, s. 112.

115.—(1) In the case of the death, resignation or removal from office of a registrar, a like return as that mentioned in section 107 shall be made by such registrar or his legal representative, for the portion of the year during which he held office, and in all cases where, during the year the office has been in charge of more than one person, a like return shall be made by each such person for the portion of the year he had charge of the office.

(2) The allowances and percentages in section 109 are upon a yearly basis and shall be made and computed upon the net income of the office for the whole of the calendar year, and this whether or not the office was held by one person or more than one person during such year.
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(3) Where more than one person has held the office in any calendar year, each of such persons shall pay an aliquot part of the percentage payable for the year, based upon the portion of the year during which he was in office.

(4) Subsection 2 of section 113 applies to the proportion of fees mentioned in this section. R.S.O. 1950, c. 336, s. 113, sub. 2

116. In ascertaining the percentages payable under this Act there shall not be included in the fees and emoluments any sum receivable from a municipality for the preparation of abstract indexes, or for work done under section 24 or 26, or subsection 5 of section 88 or section 108, and nothing in this Act applies to the fees or emoluments received on account of services as returning officer under The Election Act or the Canada Elections Act. R.S.O. 1950, c. 336, s. 114.

117. The head of a municipal council or the treasurer or the auditor of a municipality may inspect the books including bank books of any registry office for the purpose of testing the accuracy of the returns or computations of fees received by the registrar to a share or percentage of which the municipality is or may become entitled, and the registrar shall at all convenient times allow such books to be inspected for that purpose free of charge. 1957, c. 107, s. 8.

118.—(1) Section 109 applies to the registrars in the provisional judicial districts, but the percentages therein provided for shall, in their case, be payable to the Treasurer of Ontario, and when the registrar is also local master of titles, the income upon which the percentages are to be computed shall be that received from the combined offices.

(2) Subsection 1 does not apply to any registrar who is paid by salary. R.S.O. 1950, c. 336, s. 116.

119. The amount to be allowed for the disbursements of a registrar is subject to the revision and determination of the Inspector. R.S.O. 1950, c. 336, s. 117.

120. The Lieutenant Governor in Council may make rules for the management of registry offices, and may, by such rules confer on the Inspector such powers as may be deemed necessary for carrying out the provisions of this Act and all other Acts relating to the duties of registrars. R.S.O. 1950, c. 336, s. 118.

INSPECTOR

121. The Inspector shall,

(a) make as often as practicable a personal inspection of the building in which each registry office is kept,
and of the books, deeds, memorials and other instruments in each office;

books, etc. (b) see that the proper books are provided, that they are in good order and condition, that the proper entries and registrations are made therein in a proper manner and in a due and proper form and order, that the indexes are properly kept, and that all the memorials and other instruments are duly endorsed, certified and preserved;

office hours (c) ascertain that the office is kept open at and for the proper times, and that it is at all times duly attended by the registrar or his deputy;

seals of officials (d) settle on some uniform device for the official seals, and see that the registrars supply themselves therewith;

new indexes (e) inspect all new abstract and alphabetical indexes, and settle and certify the sums, if any, chargeable therefor;

plans (f) ascertain whether the proper plans required by this Act have been registered, and, where necessary, enforce the provisions of this Act as to the preparation and registration thereof, and instruct the Crown attorney to take proceedings for that purpose;

reporting vacancies (g) report upon any vacancies by death or otherwise in the office of registrar or deputy registrar;

instruction of registrar (h) inform the registrar how and in what manner he shall do any particular act or amend or correct whatever the Inspector may find amiss, and if he finds the work improperly performed, order a new book or books to be prepared and completed by the registrar at his own expense;

securities (i) ascertain the sufficiency of the security furnished by the registrar;

report to Lieutenant Governor (j) report upon all such matters to the Lieutenant Governor for his information and decision; and

other duties (k) perform such other duties as the Lieutenant Governor in Council may prescribe. R.S.O. 1950, c. 336, s. 119.

122. Where the Inspector in the performance of his duties under this Act has occasion to make an inquiry or to determine any matter he may require any person to give evidence on oath, and for that purpose may summon the person to attend as a witness, may enforce his attendance, may compel him to produce books, documents and things, and to give
evidence in like manner as the Supreme Court may in civil cases. R.S.O. 1950, c. 336, s. 120.

123. Every registrar shall transmit to the Inspector such particulars with reference to the business of his office as the Inspector may require. R.S.O. 1950, c. 336, s. 121.

124. Where it appears to the Inspector that the work of a registry office is unduly in arrear he may employ such persons as he deems necessary to perform the work in arrear, and the cost thereof shall be payable by the registrar to the persons entitled on the certificate of the Inspector. R.S.O. 1950, c. 336, s. 122.

PENALTY FOR ALTERING BOOKS OR DOCUMENTS

125. Any person, except the registrar or other officer when entitled by law so to do, who alters any book, record, plan or registered instrument in any registry office, or makes any memorandum, word or figure in writing thereon, whether in pencil or in ink, or by any other means, or in any way adds to or takes from the contents of such book, record, plan or registered instrument, and any person who removes or attempts to remove any instrument registered or deposited in a registry office from such office without lawful authority, is guilty of an offence and on summary conviction is liable to a fine of not less than $5 and not more than $100. R.S.O. 1950, c. 336, s. 123.

SPECIAL PROVISION RELATING TO TORONTO

126. The registrar, deputy registrars, clerks, officers and employees employed in the registry office for the Registry Division of Toronto shall be paid out of the receipts of the office, such salaries as may be approved by the Lieutenant Governor in Council, and subject to the regulations the fees prescribed by this Act shall be collected and accounted for by such persons and in such manner as the Inspector may direct. R.S.O. 1950, c. 336, s. 125 (1).

127. The Lieutenant Governor in Council may make regulations,

(a) respecting the registers, plans, instruments and other books, documents and records to be kept in the registry office for the Registry Division of Toronto;

(b) prescribing the furnishing, equipment and accommodation to be provided in the said registry office;

(c) for the organization of the office and the appointment of deputies, officers, clerks and employees and prescribing their respective duties;
(d) prescribing the method in which fees and other receipts of the office shall be collected, kept and accounted for;

(c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

R.S.O. 1950, c. 336, s. 126.

128. The amendment to subsection 2 of section 84 of The Registry Act in subsection 2 of section 4 of The Registry Amendment Act, 1957 when proclaimed in force shall be deemed to be an amendment to subsection 2 of section 86 of this Act.

New.

FORM 1

(Section 11)

REGISTRAR'S OATH OF OFFICE

County (or District) of I (name and describe the deponent), having been appointed to the office of Registrar, in and for the (name of Registry Division, etc.), do swear that I will well, truly and faithfully perform and execute all the duties required of me under the laws of Ontario pertaining to the office so long as I continue therein, and that I have not given directly or indirectly, nor authorized any person to give, any money, gratuity or reward whatsoever for procuring the office for me.

Sworn before me, etc.

A Commissioner, etc.

R.S.O. 1950, c. 336, Form 1.

FORM 2

(Section 23)

CERTIFICATE RESPECTING REGISTRY BOOKS

This register contains.................pages, exclusive of index, and is to be used for the City (or Town, Village or Township) of...................

.............., in the County (or District) of...................

for the recording of deeds, duplicates, and other instruments under the provisions of The Registry Act, and is provided in pursuance of such Act.

Dated this...............day of...................., 19..............

R.S.O. 1950, c. 336, Form 2.
FORM 3
(Section 29 (1))

**Abstract Index**

Township of.............., Lot No..............in the..............Concession.

<table>
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**Note.**—The names of all the grantors and grantees should appear in the abstract index.

R.S.O. 1950, c. 336, Form 3.

FORM 4
(Section 30)

**Alphabetical Index**

|---|---|---|---|---|---|

FORM 5

(Section 34 (1))

AFFIDAVIT OF EXECUTION

County (or District) of ) I, (name, residence and occupation), make
To Wit: ) oath and say:

1. That I was personally present and did see the annexed (or within)
   instrument (and a duplicate, if any, according to the fact) duly signed,
   sealed and executed by.................................................

2. That the instrument (and duplicate, if any, according to the fact)
   was (or were) executed by the part......................................

3. That I know the part..................................................................

4. That I am a subscribing witness to the instrument (and duplicate,
   if any, according to the fact).

Sworn, etc.

R.S.O. 1950, c. 336, Form 5.

FORM 6

AFFIDAVIT OF EXECUTION WHERE THE INSTRUMENT IS A SECURITY UNDER
SECTION 35

County (or District) of ) I, (name, residence and occupation), make
To Wit: ) oath and say:

1. That I was personally present and did see the annexed (or within)
   instrument (and a duplicate, if any, according to the fact) duly signed,
   sealed and executed by.................................................

2. That the instrument was read over in my presence and explained
   to.................................................., and that he appeared perfectly to understand
   the same, and was informed that it might be registered as an encumbrance
   on his land.

3. That the instrument (and duplicate, if any, according to the fact),
   was (or were) executed by the part..................at the......................

4. That I know the part..................................................................

5. That I am a subscribing witness to the instrument (and duplicate,
   if any, according to the fact).

Sworn, etc.

FORM 7

(Sections 40, 49 (1))

CERTIFICATE OF THE JUDGE OF THE COUNTY OR DISTRICT COURT IN LIEU OF AFFIDAVIT OF EXECUTION

I, Judge of the County (or District) Court of
To Wit: (Judge of the County (or District) Court of

County (or District) of

certify that, from the proof adduced by (name of the person producing the proof), I am satisfied of the due execution of the within instrument (or of the instrument whereof the within is a copy, memorial or duplicate, as the case may be).

As witness my hand at the

day of, 19.

Judge.

R.S.O. 1950, c. 336, Form 7.

FORM 8

(Sections 50, 54 (1), 64 (3))

CERTIFICATE OF REGISTRATION

I certify that the within instrument is duly entered and registered in the Registry Office for the Registry Division of in Book for the of

amount at o’clock of the day of, 19, Number

or where the instrument is microfilmed

I certify that the within instrument is duly entered and registered in the Registry Office for the Registry Division of at o’clock of the day of, 19, Number

for the of

Registrar,
or Deputy Registrar.

R.S.O. 1950, c. 336, Form 8; 1955, c. 70, s. 6.

FORM 9

(Section 55)

MINUTE OF REGISTRATION

Entered and registered this day of, 19, at o’clock m.

Registrar (or Deputy Registrar).

FORM 10

(Section 65 (1))

DISCHARGE OF MORTGAGE

To the Registrar of the Registry Division of...........................

I, ............................................, do certify that ............................................ has satisfied all money due on, or to grow due on (or has satisfied the sum of $................... mentioned in), a certain mortgage made by ............................................ to ............................................ which mortgage bears date the ................. day of .........., 19 .........., and was registered in the Registry Office for the Registry Division of ......................... on the ................. day of .........., 19 .........., at ................. minutes past ................. o'clock, noon, in Book .......... for .......... as No. .......... (here mention the date and the date of registration of each assignment thereof, and the names of the parties, or mention that such mortgage has not been assigned, according to the fact), and that I am the person entitled by law to receive the money, and that such mortgage (or such sum of money as aforesaid, or such part of the land as is herein particularly described, that is to say: ......................... ) is therefore discharged.

Witness my hand this ................. day of .........., 19 ..........

Witness 

R.S.O. 1950, c. 336, Form 10.

FORM 11

(Section 71 (2))

CERTIFICATE OF DISCHARGE OF MORTGAGE BY SHERIFF, ETC.

To the Registrar of the Registry Division of...........................

I, A. B., of ............................................, Sheriff of the County (or District) of ............................................[or Bailiff of the (number) Division Court of the County (or District of ............................................)] do certify that by virtue of an execution wherein C. D. is plaintiff and E. F. defendant, issued out of the Supreme Court (or as the case may be) and to me directed, I seized a certain mortgage made by one J. H. of (as described in the mortgage) bearing date the ................. day of .........., 19 .........., and registered at ................. of the clock in the ................. noon, of the ................. day of .......... in Book .......... for .......... as No. .......... to E. F., of ............................................ (as described in the mortgage), the defendant in the execution named, and such mortgage has not been assigned (or has been assigned to the defendant: here set out date and date of registration of assignment) and I do further certify that I have received from the mortgagor, (or from the executors, administrators, or assigns of the mortgagor, as the case may be), the full amount of the mortgage (or $...................part of the mortgage money), and that such mortgage is therefore discharged (or that such mortgage is as to $.................part of the money thereby payable, discharged).

As witness my hand and seal of office (or the seal of the said Court) this ................. day of .........., 19 ..........

A. B.

Witness 

R.S.O. 1950, c. 336, Form 11.
FORM 12

(Section 72)

CERTIFICATE OF DISCHARGE OF INSTRUMENT CREATING A CHARGE

To the Registrar of the Registry Division of ...........................................

County (or District) of .................................................................

To Wit: ...........................................................

I, (name, residence and occupation), do hereby certify that ...........................................

in the County (or District) of ............................................... (occupation) ...........................................

has satisfied all money due or to grow due on (or has satisfied the sum of $.................. mentioned in) a certain instrument made by ...........................................

of ............................................., which instrument bears date the ..................

day of .................. 19 ............., and was registered in the Registry Office for the Registry Division of ............................................. on the .................. day of ..................

.............., 19............., at .................. minutes past .................. o'clock .............

 noon, in Book .................. for .................., as No. ..................

(here mention the date and the date of registration of each assignment thereof, and the names of the parties, or mention that such instrument has not been assigned, according to the fact), and that I am the person entitled by law to receive the money, and that such instrument (or such sum of money as aforesaid, or such part of the land as is herein particularly described, that is to say: ................................. ) is therefore discharged.

Witness my hand this .................. day of .................., 19.............

Witness .................................................................

R.S.O. 1950, c. 336, Form 12.

FORM 13

(Section 86 (9))

THE REGISTRY ACT

CERTIFICATE OF AN ONTARIO LAND SURVEYOR

I, (name in full), an Ontario Land Surveyor certify,

1. That I was present at and did personally superintend the survey represented by this plan.

2. That this plan accurately shows the manner in which the lands (edged in red) have been surveyed and subdivided by me.

3. That every angle of the exterior boundary of the plan is defined in the survey thereof by a monument and a monument is placed at one angle of each street intersection shown on the plan.

4. That I have indicated on the plan the position and form of each of the monuments.

5. That the monuments conform in all respects to requirements of section 55 of The Surveys Act.

6. That the survey was made by me between the .............. day of .................. and the .............. day of ..................

7. That the survey has been accurately made in accordance with all the provisions of The Surveys Act and The Registry Act relating thereto.

Dated at .................. the .............. day of .................., 19.............

Ontario Land Surveyor.

FORM 14

(Section 90)

AFFIDAVIT WHERE INSTRUMENT DOES NOT CONFORM TO PLAN

County (or District) of I, (name, residence and occupation), make oath and say:

1. To the best of my knowledge and belief, the land described in the within (or annexed) instrument is designated on Registered Plan No. as lots (describe same so as to conform to plan).

2. That a party to the instrument, died on or about the day of, 19....., (or as the case may be).

3. That it is impossible (or inconvenient) to obtain a new instrument or a re-execution of the instrument containing a description conforming to the plan for the following reasons (here set out the facts).

4. That I have a personal knowledge of the matters herein deposed to.

Sworn, etc.


FORM 15

DECLARATION UNDER SECTION 33 (2)

County (or District) of I, (name, residence and occupation), do solemnly declare that,

1. I am a party (or as the case may be) to an instrument affecting land without local description, registered in the Registry Division of on the day of, 19....., at minutes past o'clock, noon, in Book , as number.

2. The instrument affects the land within such Registry Division hereinafter described, that is to say (here give a local description of the lands sufficient for the purposes of registering an instrument in the separate Registry Books under the Act).

And I make this solemn declaration, etc.

Declared, etc.

R.S.O. 1950, c. 336, Form 15.