

1972

## c 132 The Land Titles Amendment Act, 1972

Ontario

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### Bibliographic Citation

*The Land Titles Amendment Act, 1972*, SO 1972, c 132

### Repository Citation

Ontario (1972) "c 132 The Land Titles Amendment Act, 1972," *Ontario: Annual Statutes*: Vol. 1972, Article 134.

Available at: [http://digitalcommons.osgoode.yorku.ca/ontario\\_statutes/vol1972/iss1/134](http://digitalcommons.osgoode.yorku.ca/ontario_statutes/vol1972/iss1/134)

## CHAPTER 132

**An Act to amend The Land Titles Act**

*Assented to November 30th, 1972  
Session Prorogued December 15th, 1972*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Land Titles Act*, being chapter 234 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 43, is further amended by relettering clause *ca* as clause *cb* and by adding thereto the following clause:

(*ca*) "master of titles" means a land registrar appointed under section 6 for a locality in which this Act is in force.

2.—(1) Clause *b* of subsection 1 of section 3 of the said Act is amended by inserting after "Peel" in the second line "Peterborough".

(2) Clause *c* of subsection 1 of the said section 3 is repealed and the following substituted therefor:

(*c*) those parts of the County of Middlesex comprising the City of London and the Registry Division of Middlesex West.

(3) Subsection 3 of the said section 3 is repealed and the following substituted therefor:

(3) The Lieutenant Governor in Council may by regulation extend the operation of this Act to any part of the Province specified in the regulation and may in the regulation provide that the office for the land titles system for the part of the Province to which the operation of the Act is extended shall be combined with an office for the registry system situate in or near the same part of the Province.

s. 4,  
re-enacted

3. Section 4 of the said Act is repealed and the following substituted therefor:

Changes in  
land titles  
divisions

4.—(1) The Lieutenant Governor in Council may, by regulation,

- (a) combine two land titles divisions into one land titles division;
- (b) divide a land titles division into two or more land titles divisions;
- (c) annex a part of a land titles division to an adjoining land titles division;
- (d) designate the names by which land titles divisions shall be known;
- (e) provide for the transfer of records and documents relating to land in a land titles division that is combined, divided or in part annexed by a regulation under clause *a*, *b* or *c*.

Idem

(2) No alteration in the boundaries of any riding, electoral district or municipality alters or affects the boundaries of any land titles division.

ss. 5, 6,  
re-enacted  
s. 7,  
repealed

4.—(1) Sections 5, 6 and 7 of the said Act are repealed and the following substituted therefor:

Appointment  
of land  
registrars

5. There shall be a land registrar for every land titles division who shall be appointed by the Lieutenant Governor in Council.

Land  
registry  
offices

6. — (1) Every land titles office, including every combined registry office and land titles office, shall be known as a land registry office.

Land titles  
system

(2) The system of registration under this Act shall be known as the land titles system.

Continuation  
of appoint-  
ments

(2) Every master of titles holding office immediately before this section comes into force shall be deemed to be a land registrar appointed under section 5 of *The Land Titles Act* as re-enacted by subsection 1.

s. 10,  
amended

5. Section 10 of the said Act is amended by striking out "other than clause *h* thereof" in the fifth line.

6.—(1) Subsection 3 of section 11 of the said Act is repealed s. 11 (3), re-enacted and the following substituted therefor:

(3) The director of titles may, with the approval of the Assistant deputy directors of titles Director of Land Registration, appoint one or more persons to be assistant deputy directors of titles.

(3a) An assistant deputy director of titles may exercise Powers and duties such powers and shall perform such duties of the director of titles under this or any other Act as are required by the director of titles.

(2) Notwithstanding the repeal of subsection 3 of section 11 Continuation of appointments of *The Land Titles Act* by subsection 1 of this section, every person who immediately before such repeal held an appointment under the repealed subsection continues to hold such appointment.

7. Subsection 8 of section 12 of the said Act is repealed. s. 12 (8), repealed

8.—(1) Sections 13, 14, 15 and 16 of the said Act are ss. 13-15, re-enacted, s. 16, repealed repealed and the following substituted therefor:

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

(2) Where, in the opinion of the Director of Land Registration, a fee payable under this Act is unduly excessive, having regard to all the circumstances, the Director of Land Registration may reduce the fee to such amount as he considers appropriate. Reduction of fees

(3) All decisions given by the Director of Land Registration 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 of the Supreme Court. Appeal from Director of Land Registration

14.—(1) A master of titles may by writing under his hand and seal of office appoint a deputy or deputies who may perform all the duties of the master of titles under this Act in the same manner and to the like effect as if done by the master of titles. Appointment of deputy master of titles



Senior  
deputy

- (2) Where a master of titles has more than one deputy, he shall, with the approval of the Director of Land Registration, designate one of the deputies as his senior deputy.

Temporary  
master of  
titles

- (3) Where the office of master of titles becomes vacant,
- (a) the deputy master of titles; or
  - (b) if there is more than one deputy master of titles, the senior deputy master of titles; or
  - (c) if there is no deputy master of titles, a person employed in a land titles office and designated by the Director of Land Registration,

may exercise the powers and shall perform the duties of the master of titles until a master of titles is appointed.

Deputy  
master of  
titles at  
large

- (4) The Director of Land Registration may appoint a person to act as a deputy master of titles in a land titles office, who shall be deemed to be the deputy master of titles therein during such period as the Director of Land Registration may designate.

Examiner  
of surveys

- 15.—(1) There shall be an examiner of surveys who shall be appointed by the Lieutenant Governor in Council.

Qualifica-  
tions

- (2) A person shall not be appointed as examiner of surveys unless he is an Ontario land surveyor of not less than five years standing.

Duties

- (3) The examiner of surveys shall work under the direction of the Director of Land Registration and shall perform such duties under this Act, *The Boundaries Act*, *The Certification of Titles Act*, *The Condominium Act* and *The Registry Act* as are required by the Director of Land Registration or prescribed by the Lieutenant Governor in Council.

R.S.O. 1970,  
cc. 48, 59.  
77, 408

Assistant  
examiners  
of surveys

- (4) The examiner of surveys may, with the approval of the Director of Land Registration, appoint one or more persons to be assistant examiners of surveys.

Duties

- (5) An assistant examiner of surveys shall perform such duties of the examiner of surveys under this or any other Act as are required by the examiner of surveys.

(2) Notwithstanding the repeal of sections 13, 14, 15 and 16 of *The Land Titles Act* by subsection 1 of this section, every person who immediately before such repeal held an appointment under one of the repealed sections shall continue to hold such appointment. Continuation of appointments

**9.** Subsection 1 of section 21 of the said Act is repealed and the following substituted therefor: s. 21 (1), re-enacted

(1) In this section, "holiday" means, Holiday defined

(a) Saturday;

(b) Sunday;

(c) a day that is a holiday for civil servants as prescribed by the regulations under *The Public Service Act*. R.S.O. 1970, c. 386

**10.** The said Act is amended by adding thereto the following section: s. 34a, enacted

**34a.**—(1) A master of titles, with the concurrence of the director of titles, may, subject to the regulations, register under this Act any land in his land titles division to which *The Registry Act* applies, including land owned by Her Majesty the Queen in right of Canada or Ontario in respect of which evidence of such ownership has been registered under *The Registry Act*. Master's power to register land to which R.S.O. 1970, c. 409 applies

(2) A parcel of land may be registered under this section with an absolute, possessory, qualified or leasehold title, according to the circumstances, as appears most appropriate to the master of titles. Discretion of master re quality of title

(3) A parcel of land may be registered under this section with a title qualified as to the location of the boundaries and the extent of the parcel. Title may be qualified as to location and extent

(4) The Lieutenant Governor in Council may make regulations governing the registration of land under subsection 1, and matters relating thereto, including the notices to be given to owners and encumbrancers. Regulations re notices, etc.

**11.** Section 36 of the said Act is amended by striking out "situate in a provisional judicial district" in the first line. s. 36, amended

**12.** Subsection 2 of section 37 of the said Act is repealed and the following substituted therefor: s. 37 (2), re-enacted

After what  
time entries  
may be made  
in register

- (2) No entry of any dealing with the land shall be made in the register until fourteen days after the notice is given, unless proof is previously made that the land is not liable to any execution.

s. 51 (1),  
par. 11,  
re-enacted

- 13.**—(1). Paragraph 11 of subsection 1 of section 51 of the said Act is repealed and the following substituted therefor:

R.S.O. 1970,  
c. 349

11. The provisions of section 29 of *The Planning Act*.

s. 51 (5),  
repealed

- (2) Subsection 5 of the said section 51 is repealed.

s. 53 (2),  
amended

- 14.** Subsection 2 of section 53 of the said Act is amended by striking out "section 61" in the seventh line and inserting in lieu thereof "section 62".

s. 63 (2, 3),  
re-enacted

- 15.** Subsections 2 and 3 of section 63 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 43, are repealed and the following substituted therefor:

Applications  
for financial  
assistance

- (2) An application for financial assistance from The Land Titles Survey Fund may be made to the Director of Land Registration by,

- (a) a registered owner in respect of the costs of a survey of his land;
- (b) an applicant for first registration under this Act in respect of the costs of a survey of his land;
- (c) the council of a municipality in respect of the costs of and incidental to an application under section 34;
- (d) an applicant under *The Boundaries Act* in respect of the costs of and incidental to an application under that Act, including survey costs.

R.S.O. 1970,  
c. 48

Direction  
for payment

- (3) The Director of Land Registration may direct that all or a part of the costs mentioned in an application made under subsection 2 be paid out of The Land Titles Survey Fund.

Payment  
from Fund

- (4) Upon receipt of a direction of the Director of Land Registration, the Accountant of the Supreme Court shall pay to the person or municipality named in the direction such sum or sums, at such time or times as are stipulated in the direction, out of The Land Titles Survey Fund, so far as that Fund is sufficient for the purpose.



- (5) The determination by the Director of Land Registration of the amount, if any, to be paid from The Land Titles Survey Fund is not subject to appeal. Determination final

**16.** Section 64 of the said Act is amended by adding thereto the following subsection: s. 64, amended

- (4a) Except where he recommends the claim be paid in full, the director of titles shall hold a hearing, and the claimant and such other persons as the director of titles may specify are parties to the proceedings before him. Hearing

**17.** Section 71 of the said Act is amended by adding thereto the following subsection: s. 71, amended

- (3) Where a charge is made or transferred to the trustee or trustees of a registered pension fund or plan within the meaning of subsection 1 of section 248 of the *Income Tax Act* (Canada), and the charge or transfer of charge has attached thereto an affidavit made by one of the trustees or a solicitor deposing that the fund or plan is so registered, the chargee or transferee may be described in the charge or transfer of charge as the trustee or trustees, naming the fund or plan, and the individual names of the trustee or trustees are not required. Trustees of pension funds  
1970-71, c. 63 (Can.)

**18.** Section 78 of the said Act is amended by adding thereto the following subsection: s. 78, amended

- (2) Where a notice, caution, inhibition or restriction is registered, every registered owner of the land and every person deriving title through him, excepting owners of encumbrances registered prior to the registration of such notice, caution, inhibition or restriction, shall be deemed to be affected with notice of any unregistered estate, right, interest or equity referred to therein. Effect of registration

**19.** Subsection 3 of section 79 of the said Act is amended by striking out "or Northern Ontario Pipe Line Crown Corporation" in the fifth and sixth lines. s. 79 (3), amended

**20.** Section 86 of the said Act is amended by inserting after "of" in the second line "or bar of dower in". s. 86, amended

**21.** Section 88 of the said Act is repealed. s. 88, repealed



s. 97 (2),  
amended

**22.**—(1) Subsection 2 of section 97 of the said Act is amended by inserting after “patent” in the fourth line “or articles”.

s. 97,  
amended

(2) The said section 97 is amended by adding thereto the following subsections:

Exceptions

(6) Subsections 1, 2 and 4 of this section do not apply to,

R.S.O. 1970,  
cc. 224, 226,  
254

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

R.S.O. 1970,  
c. B-1

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

(c) 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

R.S.O. 1970,  
c. 284

(d) a municipality within the meaning of *The Municipal Act*; or

R.S.O. 1970,  
c. 78

(e) an authority established under *The Conservation Authorities Act* or any predecessor of such Act.

Additional  
exceptions

(7) The Lieutenant Governor in Council may, by regulation, designate corporations to which subsections 1, 2 and 4 of this section do not apply, in addition to those set out in subsection 6.

s. 98,  
amended

**23.** Section 98 of the said Act is amended by adding thereto the following subsection:

Debentures

(10) A charge in the form of a debenture or similar instrument shall not be registered unless the name of the person entitled to receive the money payable thereunder and to give a discharge thereof is set out in the instrument.

s. 115 (5),  
repealed

**24.** Subsection 5 of section 115 of the said Act is repealed.

s. 121a,  
enacted

**25.** The said Act is further amended by adding thereto the following section:

Issuance of  
certificates  
suspended

121a. Notwithstanding subsection 5 of section 105 and sections 117, 119, 120 and 121, the Lieutenant Governor in Council may by regulation provide that certi-

ificates shall not be issued under those sections or any of them during such period of time as is specified in the regulation.

**26.** Section 130 of the said Act is repealed.

s. 130,  
repealed

**27.** Clause *a* of subsection 2 of section 141 of the said Act is repealed and the following substituted therefor:

s. 141 (2) (a),  
re-enacted

- (a) where the death of the registered owner occurred after the 31st day of December, 1958, and before the 1st day of January, 1972; and

**28.** Sections 156 and 157 of the said Act are repealed.

ss. 156, 157,  
repealed

**29.** Section 160 of the said Act is amended by striking out "subsection 10 of section 161 or under section 177" in the second and third lines and inserting in lieu thereof "subsection 10 of section 64, subsection 10 of section 161 or section 177 or 180".

s. 160,  
amended

**30.** The said Act is further amended by adding thereto the following section:

s. 160a,  
enacted

160a.—(1) Except as provided by subsection 2, a plan of subdivision of land that is within a land titles division shall not be registered under *The Registry Act*.

Compulsory  
registra-  
tion of  
subdivision  
plans  
R.S.O. 1970,  
c. 409

- (2) Notwithstanding subsection 1, the director of titles may by his order endorsed thereon permit a plan of subdivision to be registered under *The Registry Act* where,

Exceptions

- (a) the land included in the plan is the whole or a part of the land included in a plan of subdivision registered for not more than ten years under *The Registry Act*, and the changes to be effected by the resubdivision are, in the opinion of the director of titles, of a minor nature;

- (b) the plan was approved under subsection 14 of section 33 of *The Planning Act* or a predecessor of that subsection before the operation of this Act was extended to the area in which the land is situate, and the plan is presented and accepted for registration within six months after that extension;

R.S.O. 1970,  
c. 349

R.S.O. 1970,  
c. 349

- (c) the plan was approved under subsection 14 of section 33 of *The Planning Act* or a predecessor of that subsection before the day on which this section came into force, and the plan is presented and accepted for registration within six months after that day.

s. 168,  
amended

**31.** Section 168 of the said Act is amended by adding thereto the following subsection:

Effect of  
chargee's  
consent

- (2) The consent of a chargee to a plan of subdivision, when registered, discharges from the charge any land dedicated by the owner as a public highway and any land designated as a reserve that is transferred to the corporation of the municipality in which the land is situate.

s. 171 (2),  
amended

**32.** Subsection 2 of section 171 of the said Act is amended by adding at the end thereof "with respect to approval thereof", so that the subsection shall read as follows:

Where  
R.S.O. 1970,  
c. 349 does  
not apply

- (2) Plans of subdivision registered under section 162 and composite plans registered under section 164 are not subject to the provisions of *The Planning Act* with respect to approval thereof.

s. 172 (2),  
re-enacted;  
s. 172 (3),  
repealed

**33.** Subsections 2 and 3 of section 172 of the said Act are repealed and the following substituted therefor:

Amendment  
of plan

- (2) Notwithstanding subsection 1, a registered plan shall not be amended except under subsection 10 of section 161 or under section 163.

s. 173,  
repealed

**34.** Section 173 of the said Act is repealed.

s. 182 (d),  
amended

**35.** Clause *d* of section 182 of the said Act is amended by adding at the end thereof "and requiring any information in connection with any form, evidence or procedure to be verified by affidavit or declaration".

s. 184a,  
enacted

**36.** The said Act is further amended by adding thereto the following section:

Penalty for  
altering or  
removing  
records

- 184a. Any person, except the master of titles or other officer when entitled by law so to do, who alters any book, record, plan or registered instrument in any land titles office, or who 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 instrument, and any person who removes or attempts



to remove any such book, record, plan or instrument from such office without lawful authority, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

**37.** Subsection 1 of section 185 of the said Act is amended s. 185 (1), amended by striking out "in Ontario" in the fourth line and in the fifth and sixth lines.

**38.** Subsection 4 of section 188 of the said Act is repealed. s. 188 (4), repealed

**39.** Section 189 of the said Act is repealed. s. 189, repealed

**40.** Except as otherwise provided, no provision of this Act affects the validity of any registration completed before such provision came into force. Validity of prior registrations not affected

**41.**—(1) This Act, except sections 27 and 30, comes into force on the day it receives Royal Assent. Commencement

(2) Section 27 shall be deemed to have come into force on the 1st day of January, 1972. Idem

(3) Section 30 comes into force on the 1st day of April, 1973. Idem

**42.** This Act may be cited as *The Land Titles Amendment Act, 1972*. Short title

