

1927

c 157 Custody of Documents Act

Ontario

© Queen's Printer for Ontario, 1927

Follow this and additional works at: <http://digitalcommons.osgoode.yorku.ca/rso>

Bibliographic Citation

Custody of Documents Act, RSO 1927, c 157

Repository Citation

Ontario (1927) "c 157 Custody of Documents Act," *Ontario: Revised Statutes*: Vol. 1927: Iss. 2, Article 30.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1927/iss2/30>

CHAPTER 157.

The Custody of Documents Act.

Interpretation
"Document."
Rev. Stat.
c. 155.

1. In this Act "document" shall include whatever is included in the word "instrument," as defined by *The Registry Act*, and also any certificate, affidavit, statutory declaration, or other proof as to the birth, baptism, marriage, divorce, death, burial, descendants, or pedigree of any person, or as to the existence or non-existence, happening or non-happening of any fact, event or occurrence upon which the title to land may depend, and notices of sale, or other notices necessary to the exercise of any power of sale or appointment or other power relating to land. R.S.O. 1914, c. 125, s. 2.

Person having
custody of
deeds, etc.,
may deposit
them in reg-
istry office.

2. Any person having any document, forming or being a title-deed or evidence or muniment of title to land in Ontario, may deposit the same for safe custody in the office of the registrar of any registry division in which the document or a duplicate or copy or memorial or certificate thereof has been registered; or, where it does not appear by any endorsement thereon that the same or a duplicate or copy or memorial or certificate thereof has been registered, the document may be so deposited in the office of the registrar of any registry division in which any land to which the same relates is situate. R.S.O. 1914, c. 125, s. 3.

Requisition
to be filed
and receipt
given.

3. Upon every such deposit the person depositing shall deliver to the registrar a requisition in duplicate, Form 1, which may include any number of documents; and the registrar shall sign a receipt upon one of the duplicates for the documents therein mentioned, and shall deliver the receipt to the person by whom the deposit is made. R.S.O. 1914, c. 125, s. 4.

Each docu-
ment to be
numbered
and entered
in deposit
index and
filed.

4.—(1) Upon receiving the requisition and the documents therein mentioned the registrar shall enter every document in consecutive order in a book, Form 2, to be called the "Deposit Index," and shall therein number such documents consecutively, and shall endorse on each document the word "deposited," with the date of deposit and the number of the entry thereof in the deposit index; and shall file the same in consecutive order according to its number; and shall also endorse on the requisition the numbers so placed on the documents therein mentioned; and shall file all the requisitions in consecutive order according to such numbers.

(2) The registrar shall also enter in an alphabetical index, to be called the "Alphabetical Deposit Index," the number of the document in the deposit index, and the name of every party to the document, or to the action, suit or proceeding to which the document relates, or if the same is a certificate or an affidavit, or a statutory declaration or other proof as to the birth, baptism, marriage, divorce, death or burial of any person, the name of such person.

Names to be entered in alphabetical index.

(3) Where it appears by any certificate of registration endorsed on the document that the same or a duplicate or a copy or memorial or certificate thereof is registered in his registry office, the registrar shall also enter in the margin of every registry book wherein the same is registered opposite the entry thereof the words, "See deposit index No. 19 ,," referring to the number of the document in the deposit index and the date of the deposit. R.S.O. 1914, c. 125, s. 5.

Entry opposite registered instruments.

(4) When any deposit refers to a lot or parcel of land the registrar shall also enter on the abstract index against each such lot or parcel in red ink the words, "See Deposit No....." 1916, c. 24, s. 21.

Entry on abstract index.

5.—(1) Where it appears by any certificate of registration endorsed on the document that the same is registered in any other registry division, the registrar with whom the same is deposited shall, within ten days after the deposit, send to such other registrar a notice thereof in duplicate, Form 3.

Notice to be sent to other registry offices where an instrument has been registered.

(2) The registrar receiving the notice shall be entitled to a fee of twenty cents for every document in respect of which he is required to make an entry.

Fees to other registrars.

(3) On receipt of the notice the registrar receiving the same shall enter in the margin of every registry book wherein the document appears to have been registered, opposite the entry thereof, the words, "See deposit index in registry office, No. , 19 ,," referring to the registry office from which the notice is received, and the number and date of the deposit therein, and he shall forthwith send an acknowledgment of the receipt of the notice written upon one of the duplicate notices.

Entry of notice.

Acknowledgment of receipt of notice.

(4) If such an acknowledgment is not received within fourteen days from the sending of the notice the registrar sending the notice shall send another like notice and shall repeat the same every fourteen days till the acknowledgment is received.

Repeating notice until acknowledged.

(5) Every such notice and acknowledgment shall be sent by registered post, and a sufficient sum to pay the registrar's fees and the postage shall be sent with the notice.

Transmission by registered post.

Order in
which notices
to be filed.

(6) All notices received from other registrars shall be filed by the registrar receiving the same in the order in which they are received, and all such acknowledgments shall be filed by the registrar receiving them in the order of their receipt. R.S.O. 1914, c. 125, s. 6.

Registrar's
fees.

6. The registrar with whom the deposit is made shall be entitled to the following fees to be paid at the time of the deposit by the person making the deposit:—

On every requisition	20 cents,
On every document deposited	10 "
For every notice necessary to be sent to other registrars (not more than one notice to any one registrar to be charged for)	15 "
Necessary postage on the notices and acknowledgments.	
A sum sufficient to pay the fees under subsection 2 of section 5.	
For entering upon the abstract index for each lot in excess of 4 lots	5 "

R.S.O. 1914, c. 125, s. 7; 1918, c. 20, s. 24.

Deposit of
receipts.

7.—(1) A receipt for payment of money on any registered instrument may be deposited in the registry office in which the instrument is registered, but it shall not be necessary to deliver any requisition with the receipt or to pay any fee for depositing the same or the entries in respect thereof, except the sum of twenty cents.

Registrar to
receive and
enter.

(2) The registrar shall receive and file in consecutive numerical order all receipts so deposited, and shall endorse thereon the number, the date of deposit, and the amount mentioned in the receipt, and shall write in the margin of the registry book wherein the instrument to which the receipt relates has been registered the words, "See receipt No. ,"
R.S.O. 1914, c. 125, s. 8.

Deposited
documents
open to
inspection.

8. Any person shall be entitled to inspect and make or obtain copies of, or extracts from, any document deposited under this Act in like manner as in the case of instruments registered under *The Registry Act*; and the registrar shall be entitled to the same fees in respect thereof as in the case of registered instruments. R.S.O. 1914, c. 125, s. 9.

Rev. Stat.
c. 155.

Deposit not
registration
and not to
affect docu-
ment as
evidence.
Rev. Stat.
c. 155.

9. The deposit of a document under this Act shall not be deemed a registration thereof within the meaning of *The Registry Act* nor shall the admissibility or value of any document as evidence be affected by the deposit. R.S.O. 1914, c. 125, s. 10.

Deposit re-
lieves from
liability.

10. The deposit of a document under this Act shall, while the document continues so deposited, be deemed a sufficient compliance with, and fulfilment of, any covenant or agreement entered into by any person to produce or allow the

inspection of, or the making of, any copy of or extract from the document, and shall absolve any person liable for the production or custody thereof from any further liability in respect of such custody or production. R.S.O. 1914, c. 125, s. 11.

11. The registrar with whom a document is so deposited shall keep the same safely in his office in like manner and with the same care as the instruments registered in his office; and he and his sureties shall be responsible in respect thereof in like manner as in respect of instruments registered under *The Registry Act*; and the registrar shall not part with the possession of any such document unless in accordance with the order of a court or a judge as hereinafter provided. R.S.O. 1914, c. 125, s. 12.

Registrar to keep safely.

Rev. Stat. c. 155.

12. An executor, administrator or trustee may reimburse himself out of the estate any expense which he incurs in or about depositing any document which may come to his possession or control as such executor, administrator or trustee. R.S.O. 1914, c. 125, s. 13.

Expenses of executors, etc.

13.—(1) At any time within five years after the deposit of a document any person may apply to the Supreme Court or to the county or district court of the county or district in which the deposit is made, or to a judge of either of such courts, for the delivery of the document to such person, and the court or judge may direct that the same shall be delivered by the registrar to the applicant, or to any person the court or judge directs, upon being satisfied that the applicant would, but for the deposit, be solely entitled to the possession of the document, and that the deposit thereof was made without his consent, or the consent of any person entitled at the time of the deposit to any interest therein, and, where the document relates to other land than that in which the applicant is interested, that there are reasonable grounds for removing the document from the custody of the registrar.

Application within 5 years to remove from custody.

(2) Before making the order the court or judge may require such notice of the application, by advertisement or otherwise, to be given to the person by whom the deposit was made, or to any other person, as to the court or judge shall seem meet.

Notice of application.

(3) The order may direct that all or any part of the costs of the application, or of opposing the same, or in relation thereto, be paid by the person by whom the deposit was made, or by the person by whom the application is made, or by any person to whom notice of the application has been given or the court or judge may make such other order in respect of the costs of the applicant, and of the persons who have been notified, or who oppose the application, as may seem just. R.S.O. 1914, c. 125, s. 14.

Costs.

Delivery
under order.

14.—(1) Upon the delivery to the registrar of the order, or a duplicate thereof, within six months after the date thereof, and upon payment to him of the sum of fifty cents, he shall deliver to the person mentioned therein the documents therein directed to be given to him, taking his receipt, or the receipt of his authorized agent therefor.

Registration
of order.

(2) The registrar shall thereupon enter in the deposit index, opposite the entry of the document, the date of such delivery, and the name of the person to whom delivered, the court or judge by whom the order was made, and the date of the order, and shall file the order among the requisitions for deposit in the order of the date of its receipt. R.S.O. 1914, c. 125, s. 15.

FORM 1.

REQUISITION.

To the Registrar of the Registry Division of
I (or we) hereby deposit with you, pursuant to *The Custody of Documents Act*, the following documents:—

Description of document.	Names of all parties.	Any other particulars or subject of certificate, affidavit, etc.	Land in this registry division to which documents relate.	Particulars of registration of registered instruments.			
				Registry division.	Date.	No.	Township, city, town, etc.

Dated

(in duplicate)

Signed in presence of me, to whom the depositor, and his residence and occupation are well known

C. D.
Residence, giving Lot, Concession
or House No. and Street.
(Occupation).

A. B.

The documents above mentioned, with a duplicate of the above requisition, are this day received by me.

Dated

E. F.,
Registrar for

R.S.O. 1914, c. 125, Form 1.

FORM 2.

DEPOSIT INDEX.

Deposit No.	Description of document.	Parties.	Land in this registry division mentioned.	Any other particulars or subject of certificates, affidavits, etc.	Particulars of registration certificate endorsed.	Date of deposit.	By whom deposited.

R.S.O. 1914, c. 125, Form 2.

FORM 3.

NOTICE OF DEPOSIT.

To the Registrar of the Registry Division of

The following documents, which appear to be registered in your registry office, have been deposited in this registry office under *The Custody of Documents Act*.

Deposit Index No.	Date of deposit.	Description of document.	Parties.	Particulars of registration in your registry division.		
				Township city, town, etc.	Date of registration.	Registration No.
2146	8th Aug., 19	Mortgage.	John Smith to Wm. Jones.			

You are required to enter such deposit, and to acknowledge receipt hereof, under above Act. I enclose cents for your fees and cents for postage on acknowledgment.

Dated at

Registrar for

ACKNOWLEDGMENT TO BE PUT ON DUPLICATE NOTICE.

The duplicate of above notice of deposit of (*three*) documents received at the registry office for this day of , 19 and entry of such deposit has been made in accordance with *The Custody of Documents Act*.

Registrar.

R.S.O. 1914, c. 125, Form 3.