

1970

c 37 The Certification of Titles Amendment Act, 1970

Ontario

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CHAPTER 37

An Act to amend The Certification of Titles Act

Assented to June 26th, 1970
Session Prorogued November 13th, 1970

HER 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of *The Certification of Titles Act*, as amended by section 1 of *The Certification of Titles Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960.
c. 48, s. 1,
re-enacted

1. In this Act,

Interpreta-
tion

(a) "Director of Land Registration" means the Director of Land Registration appointed under *The Registry Act*;

R.S.O. 1960.
c. 348

(b) "Director of Titles" means the Director of Titles appointed under *The Land Titles Act*.

R.S.O. 1960.
c. 204

1a. The Minister of Justice and Attorney General is responsible for the administration of this Act. Administra-
tion of Act

2. Clause *b* of subsection 3 of section 14 of *The Certification of Titles Act*, as enacted by subsection 2 of section 6 of *The Certification of Titles Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960.
c. 48, s. 14,
subs. 3
(1961-62,
c. 13, s. 6,
subs. 2),
cl. 5,
re-enacted

(b) a plan of a survey under section 93a or 94a of *The Registry Act* or a predecessor thereof. R.S.O. 1960.
c. 348

3.—(1) Section 16 of *The Certification of Titles Act* is repealed and the following substituted therefor: R.S.O. 1960.
c. 48, s. 16,
re-enacted

16.—(1) Where, by virtue of section 13, a person is deprived of any interest in land, he is entitled to recover what is just by way of compensation out of The Certification of Titles Assurance Fund, so far as it is sufficient for that purpose having reference to other charges thereon, if the application is made

Claim
against
Fund

within

within six years from the time of having been so deprived, or in the case of a person under the disability of infancy, mental incompetency or unsoundness of mind, within six years from the date at which the disability ceased.

Mining
lands

- (2) Where a claim is made under subsection 1 in respect of land patented as mining land or in respect of land whose chief value is the ores, mines or minerals therein and it appears that the claimant is entitled to compensation, the entire value of the land shall not be taken at a greater sum than twice the amount that was paid for the original grant from the Crown.

Application
for payment

- (3) A person claiming to be entitled to payment of compensation out of The Certification of Titles Assurance Fund shall apply to the Director of Titles who shall make a recommendation to the Director of Land Registration as to the amount, if any, that should be paid.

Determina-
tion of
payment

- (4) The liability of The Certification of Titles Assurance Fund for compensation and the amount of compensation shall, subject to appeal to a judge of a county or district court and from him to the Court of Appeal, be determined by the Director of Land Registration, and the costs of the proceedings under this section shall be in the discretion of the Director of Land Registration, the judge or the Court of Appeal, as the case may be.

Notice

- (5) The Director of Land Registration shall serve notice of his determination under subsection 4 by registered mail on the claimant.

Time for
appeal

- (6) Where the Director of Land Registration determines that compensation should be paid, the claimant, if he intends to appeal, shall, within a period of twenty days after the date of mailing of the notice under subsection 5, serve on the Director of Land Registration notice of his intention to appeal, and the Director of Land Registration shall not certify under subsection 7 the amount to the Treasurer of Ontario if a notice of appeal is received within that period or until after the expiry of that period if no notice of appeal is received.

Payment
out of Fund

- (7) Subject to subsection 6, the Director of Land Registration shall certify to the Treasurer of Ontario any amount found to be payable under this section

and

and, upon receipt of the certificate of the Director of Land Registration, the Treasurer shall pay the amount to the person entitled thereto.

- (8) The Director of Land Registration may, by action in his own name, recover for the benefit of The Certification of Titles Assurance Fund any loss incurred by the Fund as a result of the fraud or misrepresentation of any person. ^{Liability for fraud or misrepresentation}

(2) Subsection 1 does not apply in respect of applications for payment of compensation made before this section comes into force. ^{Application of subsection 1}

4. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

5. This Act may be cited as *The Certification of Titles Amendment Act, 1970*. ^{Short title}

