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c 32 Land Registration Reform Act, 1984

Ontario
CHAPTER 32

An Act respecting Conveyancing Documents and Procedures and the Recording of Title to Real Property

Assented to June 27th, 1984

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

PART I

DOCUMENTS

1. In this Part,

(a) “charge” means a charge on land given for the purpose of securing the payment of a debt or the performance of an obligation, and includes a charge under the Land Titles Act and a mortgage, but does not include a rent charge;
(b) "charge book" means the book maintained under subsection 8 (5);

(c) "chargee" means a person in whose favour a charge is given;

(d) "chargor" means a person who gives a charge;

(e) "Director" means the Director of Land Registration appointed under subsection 6 (1) of the Registry Act;

(f) "discharge" means a discharge of a charge and includes a cessation of charge under the Land Titles Act and a certificate of discharge of mortgage under the Registry Act;

(g) "document" includes an instrument as defined in clause 1 (f) of the Registry Act;

(h) "land" means land, tenements, hereditaments and appurtenances and any estate or interest therein;

(i) "land registrar" means a land registrar appointed under the Land Titles Act or the Registry Act;

(j) "prescribed" means prescribed by the regulations;

(k) "regulations" means the regulations made under this Part;

(l) "successor" means an heir, executor or administrator;

(m) "transfer" means a conveyance of freehold or leasehold land and includes a deed and a transfer under the Land Titles Act, but does not include a lease or a charge;

(n) "transferee" means a person in whose favour a transfer is given;

(o) "transferor" means a person who gives a transfer.

2. This Part applies to documents affecting or relating to land in the parts of Ontario that are designated by regulation.

3.—(1) A document shall not be registered under the Land Titles Act or the Registry Act, or deposited under Part II of the Registry Act, unless,
(a) its form and manner of completion and execution comply with this Part and the regulations; or

(b) it is attached to a document whose form and manner of completion and execution comply with this Part and the regulations.

(2) Despite subsection (1), a document that is executed before the day the land it affects or to which it relates is designated under clause 14 (a) may be registered under the Registry Act or the Land Titles Act, or deposited under Part II of the Registry Act, as if this Act had not been passed.

(3) Failure to comply with subsection (1) does not, in itself, invalidate a document that has been registered under the Land Titles Act or the Registry Act, or deposited under Part II of the Registry Act, after the coming into force of this section.

(4) The Director may authorize the registration under the Land Titles Act or the Registry Act, or the deposit under Part II of the Registry Act, of a document whose form or manner of execution does not comply with this Part and the regulations.

(5) Where the form or manner of execution of a document does not comply with this Part or the regulations, the county or district court of the county or district in which the land that the document affects or to which it relates is situated may, on an application made on notice to the Director, order that the document be registered under the Land Titles Act or the Registry Act, or deposited under Part II of the Registry Act.

(6) An order or refusal to make an order under subsection (5) may be appealed to the Divisional Court by the applicant or by the Director.

4.—(1) A document attached as a schedule to a document whose form is prescribed shall be deemed to be part of the document whose form is prescribed.

(2) Where there is a conflict between the contents of a document whose form is prescribed and the contents of a document attached to it as a schedule, the document whose form is prescribed prevails.

5.—(1) A transfer in the prescribed form shall be deemed to include the following covenants and release by the transferor, for the transferor and the transferor's successors, to and with the transferee and persons deriving title under the transferee:
1. In a transfer of freehold or leasehold land by the beneficial owner for valuable consideration, unless the transfer is expressed to be a quitclaim:

i. That the transferor has the right to convey the land to the transferee.

ii. That the transferee shall have quiet enjoyment of the land.

iii. That the transferor or the transferor's successors and assigns will execute such further assurances of the land and do such other acts, at the transferee's expense, as may be reasonably required.

iv. That the transferor has not done, omitted or permitted anything whereby the land is or may be encumbered, except as the records of the land registry office disclose.

v. That the transferor releases to the transferee all the transferor's existing claims on the land, except as the transfer provides and the records of the land registry office disclose.

2. In a transfer of leasehold land by the beneficial owner for valuable consideration:

That, despite anything done, omitted or permitted by the transferor, the lease or grant creating the term or estate for which the land is transferred is, at the time the transfer is given, a valid lease or grant of the property conveyed, in full force, unforfeited and unsurrendered, and that there is no subsisting default in the payment of the rents reserved by or in the performance of the covenants, conditions and agreements contained in the lease or grant at the time the transfer is given.

3. In a transfer of freehold or leasehold land by a transferor who transfers as trustee or chargee, as personal representative of a deceased person, as committee of a mentally incompetent person, or under a court order:

i. That the transferor has not done, omitted or permitted anything whereby the land is or
may be encumbered or whereby the transferor is hindered from giving the transfer.

ii. That the transferor or the transferor's successors and assigns will execute such further assurances of the land and do such other acts, at the transferee's expense, as may be reasonably required.

iii. That the transferor releases to the transferee all the transferor's existing claims on the land, except as the transfer provides and the records of the land registry office disclose.

4. In a transfer of freehold or leasehold land by way of settlement by a transferor who transfers as settlor:

That the transferor and the transferor's successors and assigns will execute such further assurances of the land and do such other acts, at the expense of any person deriving title under the transfer, as may be reasonably required.

(2) Where a transfer to which subsection (1) applies is given by or to more than one person, the covenants deemed to be included by that subsection are made,

(a) by each transferor to the extent of the interest or share transferred by the transferor; and

(b) with the transferees jointly, if the transfer is made to them jointly, or with each transferee, if the transfer is made to them as tenants in common.

(3) Where a transfer to which subsection (1) applies is given at the direction of the beneficial owner, the transfer shall be deemed to include the appropriate covenants set out in subsection (1) on the part of the beneficial owner as if the beneficial owner were the transferor.

(4) A covenant deemed to be included in a transfer by this section may, in a schedule to the transfer, be expressly excluded or be varied by setting out the covenant, appropriately amended.

(5) The benefit of a covenant deemed to be included in a transfer by this section runs with the interest of the transferee in the land transferred, and may be enforced by any person in whom the interest or part of it vests.
6.—(1) A charge does not operate as a transfer of the legal estate in the land to the chargee.

(2) A charge ceases to operate when the money and interest secured by the charge are paid, or the obligations whose performance is secured by the charge are performed, in the manner provided by the charge.

(3) Despite subsection (1), a chargor and chargee are entitled to all the legal and equitable rights and remedies that would be available to them if the chargor had transferred the land to the chargee by way of mortgage, subject to a proviso for redemption.

7.—(1) A charge in the prescribed form shall be deemed to include the following covenants by the chargor, for the chargor and the chargor’s successors, with the chargee and the chargee’s successors and assigns:

1. In a charge of freehold or leasehold land by the beneficial owner:

i. That the chargor or the chargor’s successors will pay, in the manner provided by the charge, the money and interest it secures, and will pay the taxes assessed against the land.

ii. That the chargor has the right to give the charge.

iii. That the chargor has not done, omitted or permitted anything whereby the land is or may be encumbered, except as the records of the land registry office disclose.

iv. That the chargor or the chargor’s successors will insure the buildings on the land as specified in the charge.

v. That the chargee on default of payment for the number of days specified in the charge or in the Mortgages Act, whichever is longer, may on giving the notice specified in the charge or required by that Act, whichever is longer, enter on and take possession of, receive the rents and profits of, lease or sell the land.

vi. That where the chargee enters on and takes possession of the land on default as described
in subparagraph v, the chargee shall have quiet enjoyment of the land.

vii. That the chargor or the chargor’s successors will, on default, execute such assurances of the land and do such other acts, at the chargee’s expense, as may be reasonably required.

viii. That the chargee may distrain for arrears of interest.

ix. That on default of payment of the interest secured by the charge, the principal money shall, at the option of the chargee, become payable.

2. In a charge of freehold land by the beneficial owner, that the chargor has a good title in fee simple to the land, except as the records of the land registry office disclose.

3. In a charge of leasehold land by the beneficial owner:

i. That, despite anything done, omitted or permitted by the chargor, the lease or grant creating the term or estate for which the land is held is, at the time the charge is given, a valid lease or grant of the land charged, in full force, unforfeited and unsurrendered, and that there is no subsisting default in the payment of the rents reserved by or in the performance of the covenants, conditions and agreements contained in the lease or grant at the time the charge is given.

ii. That the chargor or the chargor’s successors will, while the moneys secured by the charge remain unpaid, pay, observe and perform all the rents reserved by and all the covenants, conditions and agreements contained in the lease or grant and will indemnify the chargee against all costs and damages incurred by reason of any non-payment of rent or non-observance or non-performance of the covenants, conditions and agreements.

(2) Where a charge to which subsection (1) applies is given by or to more than one person, the covenants deemed to be included by that subsection are made,
(a) by the chargors jointly and severally, unless the charge specifies otherwise; and

(b) with the chargees jointly, unless the moneys secured are expressly secured to them in several shares or distinct sums.

(3) A covenant deemed to be included in a charge by subsection (1) may, in a schedule to the charge, or in a set of standard charge terms filed under subsection 8 (1) and referred to in the charge by its filing number, be expressly excluded or be varied by setting out the covenant, appropriately amended.

(4) A covenant deemed to be included in a charge by subsection (1) may be enforced by a successor or assignee of the chargee.

(5) A charge in the prescribed form shall be deemed to include the prescribed standard charge terms, unless a set of standard charge terms filed under subsection 8 (1) is referred to in the charge by its filing number.

(6) A prescribed standard charge term deemed to be included in a charge by subsection (5) may, in a schedule to the charge, be expressly excluded or be varied by setting out the term, appropriately varied.

(7) The Director shall include the prescribed standard charge terms in the charge book maintained under subsection 8 (5).

8.—(1) A person may file with the Director, in the prescribed manner and form, a set of standard charge terms and, with the consent of the Director, may file a set of standard charge terms in a form other than the prescribed form.

(2) A set of standard charge terms filed under subsection (1) may be amended by filing a further set of standard charge terms under subsection (1).

(3) Where a set of standard charge terms is filed under subsection (1), the Director shall,

(a) promptly assign a filing number to the set and advise the person who filed the set of its filing number; and

(b) ensure that copies of the set, identified by its filing number, are provided to the land registry offices for
the parts of Ontario designated under this Part within thirty days of the day on which the set was filed.

(4) Every set of standard charge terms filed under subsection (1) shall be made available in the prescribed manner and at the prescribed fee for public inspection and copying in the land registry offices for the parts of Ontario designated under this Part on a day not later than thirty days after the day on which the set is filed with the Director.

(5) The Director shall enter all sets of standard charge terms filed under subsection (1) during each calendar year in a charge book and shall as soon as possible after the end of the calendar year,

(a) provide copies of the charge book to the land registry offices for the parts of Ontario designated under this Part; and

(b) make available copies of the charge book for purchase by the public at the prescribed fee.

9.—(1) A charge shall be deemed to include a set of standard charge terms filed under subsection 8 (1) if the set is referred to in the charge by its filing number.

(2) A term deemed to be included in a charge by subsection (1) may, in a schedule to the charge, be expressly excluded or may be varied by setting out the term, appropriately amended.

(3) Where a charge refers to more than one set of standard charge terms by their filing numbers, the charge shall be deemed to include only the set that was filed last.

(4) Where there is a conflict between an express term in a charge and a term deemed to be included in the charge by subsection (1), the express term prevails.

10.—(1) A charge that refers to a set of standard charge terms filed under subsection 8 (1) by the set's filing number shall not be registered before a copy of the set is available in the land registry office where the charge is to be registered, as described in subsection 8 (4).

(2) The fact that a charge is registered in a manner that contravenes subsection (1) does not, in itself, invalidate the registered charge.
Disclosure: offence

11. A person named as chargee in a charge containing standard charge terms that have been filed under subsection 8 (1) who takes the charge before providing the chargor or the chargor’s solicitor with a copy of the standard charge terms is guilty of an offence and on conviction is liable to a fine of not more than $5,000.

Director may require filing

12.—(1) Where the Director is satisfied that a charge presented for registration contains terms that should be filed under subsection 8 (1) because of the frequency of their use in charges in favour of the chargee, the Director may give the chargee notice in the prescribed form and manner that on and after a day specified by the Director, no charge in favour of the chargee that sets the terms out expressly shall be registered without the Director’s authorization.

(2) The day specified by the Director in a notice given under subsection (1) shall be a day at least 120 days after the date of the notice.

Day to be specified

(3) Where the Director has given a notice under subsection (1), no charge in favour of the chargee that sets the terms out expressly shall be registered without the Director’s authorization on or after the day specified by the Director.

No registration where filing required

13.—(1) Despite any statute or rule of law, a transfer or other document transferring an interest in land, a charge or discharge need not be executed under seal by any person, and such a document that is not executed under seal has the same effect for all purposes as if executed under seal.

Seal not required

(2) Subsection (1) applies to a guarantee in a charge.

Guarantee

14. The Lieutenant Governor in Council may make regulations,

(a) designating parts of Ontario for the purposes of this Part;

(b) prescribing forms for transfers, charges, discharges and other documents to be registered under the Land Titles Act or the Registry Act, or deposited under Part II of the Registry Act, and prescribing the manner of their completion and execution by individuals and corporations;

(c) authorizing the Director to issue instructions for the completion and execution of documents;
(d) authorizing the Director to approve forms prescribed under clause (b), and prohibiting the registration of documents in forms prescribed under clause (b) that are not approved by the Director;

(e) prescribing standard charge terms for the purpose of subsection 7 (5);

(f) prescribing the form and manner in which sets of standard charge terms are to be filed with the Director under subsection 8 (1) and are to be made available for public inspection and copying;

(g) prescribing fees payable under subsections 8 (4) and (5);

(h) prescribing the form and manner in which notice is to be given under section 12;

(i) prescribing the form and manner in which statements in documents are to be made;

(j) prescribing the manner in which a party to a document registered under the Land Titles Act or the Registry Act may notify the land registrar of changes in the party’s address for service.

PART II

AUTOMATED RECORDING AND PROPERTY MAPPING

15. Where land is designated for the purposes of Part I, the Lieutenant Governor in Council may by regulation designate all or any part of the land for the purpose of implementing a system for automated information recording and retrieval and property mapping.

16.—(1) The Director may by order fix a lower fee than that prescribed under the Land Titles Act or the Registry Act for any service that relates to land designated under this Part, and the lower fee shall be in effect for a specified period not exceeding three months from the designation of the land to which the service relates.

(2) The Regulations Act does not apply to an order made under subsection (1).
PART III

AMENDMENTS TO STATUTE LAW

17.—(1) Section 6 of the Conveyancing and Law of Property Act, being chapter 90 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

6. A statement of consideration money or other consideration in the body of a conveyance is a sufficient discharge to the person paying or delivering the conveyance without any receipt being endorsed on it.

(2) Section 7 of the said Act is repealed and the following substituted therefor:

7. A statement of consideration money or other consideration in the body of a conveyance or endorsed thereon is, in favour of a subsequent purchaser not having notice that the money or other consideration was not in fact paid or given wholly or in part, sufficient evidence of the payment or giving of the whole amount thereof.

(3) Section 23 of the said Act is amended by adding thereto the following subsection:

(5) Subsections (1), (2), (3) and (4) do not apply to conveyances of land in the parts of Ontario designated under Part I of the Land Registration Reform Act, 1984 that are executed on or after the day on which the land is designated under clause 14 (a) of that Act.

18.—(1) Subsection 42 (3) of the Family Law Reform Act, being chapter 152 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(3) For the purpose of subsection (2), an affidavit of the person making the disposition or encumbrance, or, where the property is located in a part of Ontario designated under Part I of the Land Registration Reform Act, 1984, a statement by the person,

(a) verifying that he or she is not, or was not, a spouse at the time of the disposition or encumbrance;

(b) verifying that the property has never been occupied by the person and his or her spouse as their matrimonial home;
(c) where the property is not designated under section 41, verifying that an instrument designating another property as a matrimonial home of the person and his or her spouse is registered under section 41 and not cancelled; or

(d) verifying that the other spouse has released all rights under this Part by a separation agreement,

shall, unless the person to whom the disposition or encumbrance is made had actual notice to the contrary, be deemed to be sufficient proof that the property is not a matrimonial home, but the affidavit or statement shall not be deemed to be sufficient proof that the property is not a matrimonial home where it is made by the attorney of the person making the disposition or encumbrance.

(2) Clause 45 (1) (f) of the said Act is repealed and the following substituted therefor:

(f) where a false affidavit is given or a false statement is made under subsection 42 (3), direct,

(i) the person who swore the false affidavit or made the false statement, or

(ii) any person who knew at the time it was sworn or made that the affidavit or statement was false and who thereafter conveyed the property,

to substitute other real property for the matrimonial home or direct such person to set aside money or security to stand in place thereof subject to such terms and conditions as the court considers appropriate.

19.—(1) Section 1 of the Land Titles Act, being chapter 230 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clauses:

(aa) “facsimile” means an accurate reproduction of a book, document or record and includes a print from microfilm and a printed copy generated by or produced from a computer record;

(ab) “land” means land, tenements, hereditaments and appurtenances and any interest therein;
(ga) "property" means land designated as a property under subsection 141a (2) or (4).

(2) Section 7 of the said Act is repealed and the following substituted therefor:

7. Upon receiving an instrument for registration or deposit, the land registrar shall record it and the fee charged in a manner approved by the Director of Land Registration.

(3) Section 59 of the said Act is amended by adding thereto the following subsection:

(3a) The Director of Land Registration may direct that all or part of the costs of a survey of land required to facilitate the inclusion of the land in a property map referred to in subsection 141a (3) be paid out of The Land Titles Survey Fund.

(4) Section 60 of the said Act is amended by adding thereto the following subsection:

(4a) A person who suffers damage because of an error in recording an instrument affecting land designated under Part II of the Land Registration Reform Act, 1984 in the parcel register is entitled to compensation from The Land Titles Assurance Fund.

(5) Section 70 of the said Act is repealed and the following substituted therefor:

70. Subject to section 67, no person, other than a corporation, may be shown as the registered owner of land or a charge unless the person is described by surname and by the first given name in full, followed by another given name, if any, in full.

(6) Subsection 75 (1) of the said Act is amended by striking out "books" in the fourth line and inserting in lieu thereof "records".

(7) Subsection 75 (2) of the said Act is amended by striking out "book" in the second line and inserting in lieu thereof "record".

(8) Subsection 81 (3) of the said Act is repealed and the following substituted therefor:

(3) Registration of an instrument is complete when the instrument and its entry in the proper register are certified in the prescribed manner by the land registrar, deputy or assis-
tant deputy land registrar, and the time of receipt of the instrument shall be deemed to be the time of its registration.

(9) Section 82 of the said Act is amended by adding thereto the following subsection:

(2) Subsection (1) does not apply to a charge or transfer of registered land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984*.

(10) The said Act is amended by adding thereto the following section:

83a. The land registrar may,

(a) refuse to accept for registration an instrument,

(i) that is wholly or partly illegible or unsuitable for microfilming, or

(ii) that affects land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984* and contains or has attached to it material that does not, in the land registrar's opinion, affect or relate to an interest in land; and

(b) refrain from recording a part of a registered instrument affecting land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984* where the part of the instrument does not, in the land registrar's opinion, affect or relate to an interest in land.

(11) Section 93 of the said Act is amended by adding thereto the following subsection:

(5a) The authorization mentioned in subsection (5) is not required where the instrument is to be registered as a charge against land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984*.

(12) The said Act is further amended by adding thereto the following section:

97a. Sections 94, 95, 96 and 97 do not apply to a charge of registered land in the parts of Ontario designated under Part I of the *Land Registration Reform Act, 1984* that is executed on or after the day on which the land is designated under clause 14 (a) of that Act.
(13) Section 109 of the said Act is amended by adding thereto the following subsection:

Exception

(2) Subsection (1) does not apply to a transfer of registered leasehold land in a part of Ontario designated under Part I of the Land Registration Reform Act, 1984 that is executed on or after the day on which the land is designated under clause 14 (a) of that Act.

(14) The said Act is further amended by adding thereto the following sections:

Application 141a.—(1) This section applies only to land in the parts of Ontario designated under Part II of the Land Registration Reform Act, 1984.

Properties and property identifiers

(2) The Director of Land Registration shall, in the prescribed manner, divide into blocks and properties any land that is designated under Part II of the Land Registration Reform Act, 1984 and assign property identifiers to those properties.

Property maps, etc.

(3) The Director shall, in the prescribed manner, prepare property maps showing all properties and prepare such other maps as are prescribed.

Idem

(4) The land registrar shall maintain property maps in the prescribed manner and shall assign property identifiers to properties when and in the manner specified by the Director.

Parcel register

(5) The land registrar shall, in the prescribed manner, create and maintain an index in automated form known as the parcel register and enter every instrument that affects a property in the parcel register under the property identifier assigned to that property.

Other indexes and records

(6) The land registrar shall, in the prescribed manner, maintain such other indexes and records as are prescribed.

Entry of earlier instruments

(7) The Director of Land Registration may direct the land registrar to enter, in the prescribed manner, all instruments that were registered before the day this section comes into force, and that belong to a category or were registered during a period specified by the Director of Land Registration, in the parcel register under the property identifiers for the properties affected by the instruments.

Application 141b.—(1) This section applies only to documents affecting land in the parts of Ontario designated under Part I of the Land Registration Reform Act, 1984.
(2) A document shall not be registered unless it contains,

(a) a reference to the parcel number, if any, of the land it affects;

(b) a reference to the lot, part lot or other unit on the plan or concession it affects;

(c) where the document deals with part of a property or part of a parcel, a registrable description of the land it affects; and

(d) the property identifier, if any, assigned under subsection 141a (2) or (4) to the property it affects.

(3) Subsection (2) does not apply to an instrument that is,

(a) a plan; or

(b) one of a prescribed class of instruments.

(4) Clauses (2) (b) and (c) do not apply to an instrument that is a discharge of charge purporting to discharge a charge completely.

(15) Section 147 of the said Act is amended by adding thereto the following subsection:

(2) Subsection (1) does not apply to land in the parts of Ontario designated under Part II of the Land Registration Reform Act, 1984.

(16) Section 162 of the said Act is amended by adding thereto the following subsection:

(1a) The Lieutenant Governor in Council may make regulations,

(a) prescribing the manner in which instruments and entries in the register are to be certified at registration;

(b) prescribing the form and manner in which entries in the records of land registry offices are to be made;

(c) prescribing the manner in which fees under this Act are to be paid, authorizing land registrars to require the prepayment of classes of fees by cash deposits and prescribing classes of fees for that purpose;
(d) prescribing classes of users who may pay fees under this Act by means of credit accounts rather than on the basis of prepayment or payment at the time the service is rendered;

(e) requiring land registrars to assign to persons who ask to search the records of the land registry office account numbers and other identification to enable them to do so;

(f) prescribing the manner in which instruments, books, public records and facsimiles of them are to be produced for inspection;

(g) prescribing the manner in which copies of instruments, books and public records are to be produced and certified;

(h) prescribing methods and standards for computer entry, storage and retrieval of information;

(i) prescribing the manner in which land is to be divided into blocks and properties;

(j) prescribing the manner in which property maps and other maps are to be prepared and maintained, and prescribing those other maps;

(k) prescribing the manner in which property identifiers are to be assigned;

(l) prescribing the manner in which the abstract index is to be created and maintained;

(m) prescribing other indexes and records and the manner in which they are to be maintained for the purpose of subsection 141a (6);

(n) prescribing the manner in which instruments are to be entered for the purpose of subsection 141a (7);

(o) prescribing classes of instruments for the purpose of clause 141b (3) (b);

(p) requiring that printed copies of the parcel register relating to land in the parts of Ontario designated under Part II of the Land Registration Reform Act, 1984 be produced at prescribed times and prescribing the times at which they are to be produced.
(17) Subsection 162 (2) of the said Act is repealed and the following substituted therefor:

(2) The application of any provision of the regulations made under subsection (1) or (1a) may be limited to one or more land titles divisions or one or more part or parts of a land titles division or divisions.

(18) Section 164 of the said Act is amended by adding thereto the following subsections:

(3) Subsection (2) does not apply in the parts of Ontario designated under Part I of the Land Registration Reform Act, 1984.

(4) Where land is in a part of Ontario designated under Part I of the Land Registration Reform Act, 1984, the land registrar shall, upon receipt of the prescribed fee, if any, and a written request where a fee is prescribed,

(a) produce for inspection in the office during office hours,

(i) any instrument relating to the land that is registered in the office, or a facsimile of the instrument, or

(ii) any book or public record of the office relating to the land, or a facsimile of the book or public record;

(b) supply a copy of the whole or a part of,

(i) any instrument relating to the land that is registered in the office, or a facsimile of the instrument, or

(ii) any book or public record of the office relating to the land, or a facsimile of the book or public record; and

(c) certify any copy supplied under clause (b),

in the prescribed manner.

(19) The said Act is further amended by adding thereto the following section:
164a.—(1) Where a registered instrument or a written record of a land registry office is recorded electronically or on a magnetic medium, any writing that,

(a) represents the registered instrument or written record;

(b) is generated by or produced from the electronic record or magnetic medium; and

(c) is in a readily understandable form,

is admissible in evidence to the same extent as the original registered instrument or written record.

(2) Where a record of a land registry office is recorded electronically or on a magnetic medium and there is no original written record that corresponds to the record, any writing that,

(a) represents the record;

(b) is generated by or produced from the electronic record or magnetic medium; and

(c) is in a readily understandable form,

is admissible in evidence to the same extent as the record would be if it were an original written record.

(20) Subsection 165 (1) of the said Act is repealed and the following substituted therefor:

(1) Any person, except the land registrar or other officer when entitled by law so to do, who alters any book, record, plan or registered instrument, or by any means or in any way adds to or takes from the contents of any book, record, plan or instrument, and any person who, without lawful authority, removes or attempts to remove any book, record, plan or instrument from the place where it is kept is guilty of an offence and on conviction is liable to a fine of not more than $5,000 for each book, record, plan or instrument that the person alters, removes or attempts to remove.

(21) Section 166 of the said Act is amended by adding thereto the following subsection:

(5) Subsections (1), (2), (3) and (4) do not apply to an instrument affecting land in a part of Ontario designated under Part I of the Land Registration Reform Act, 1984.
20.—(1) The Mortgages Act, being chapter 296 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

8a. Sections 7 and 8 do not apply to a mortgage of land in a part of Ontario designated under Part I of the Land Registration Reform Act, 1984 that is executed on or after the day on which the land is designated under clause 14 (a) of that Act.

(2) The said Act is further amended by adding thereto the following section:

38a. Where a mortgage made before the 1st day of January, 1965, contains a power of sale in accordance with The Short Forms of Mortgages Act, being chapter 374 of the Revised Statutes of Ontario, 1960, a sale made under such power of sale, so long as it complies with this Part, is as effectual as if The Short Forms of Mortgages Amendment Act, 1964 had not been passed.

21. Section 49 of the Planning Act, 1983, being chapter 1, is amended by adding thereto the following subsections:

(21a) Where a deed or transfer,

(a) contains a statement by the grantor, verifying that to the best of his or her knowledge and belief the deed or transfer does not contravene this section;

(b) contains a statement by the grantor’s solicitor, verifying that,

(i) he or she has explained the effect of this section to the grantor,

(ii) he or she has made inquiries of the grantor to determine that the deed or transfer does not contravene this section,

(iii) based on the information supplied by the grantor, to the best of the solicitor’s knowledge and belief, the deed or transfer does not contravene this section, and

(iv) he or she is an Ontario solicitor in good standing; and

(c) contains a statement by the grantee’s solicitor, verifying that,
(i) he or she has investigated the title to the land and, where relevant, to abutting land,

(ii) he or she is satisfied that the record of title to the land and, where relevant, to abutting land, reveals no existing contravention of this section or a predecessor thereof or of a by-law passed under a predecessor of this section or of an order made under clause 27 (1) (b), as it existed on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof, that has the effect of preventing the conveyance of any interest in the land,

(iii) to the best of his or her knowledge and belief, the deed or transfer does not contravene this section, and

(iv) he or she acts independently of the grantor's solicitor and is an Ontario solicitor in good standing; and

(d) is registered under the *Land Titles Act* or the *Registry Act*,

any contravention of this section or a predecessor thereof or of a by-law passed under a predecessor of this section or of an order made under clause 27 (1) (b), as it existed on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof, does not and shall be deemed never to have had the effect of preventing the conveyance of any interest in the land, provided this subsection does not affect the rights acquired by any person from a judgment or order of any court given or made on or before the day the deed or transfer is registered.

(21b) For the purposes of the statement referred to in subclause (21a) (c) (ii), a solicitor is not required to investigate the registered title to the land except with respect to the time since the registration of the most recent deed or transfer affecting the same land and containing the statements referred to in clauses (21a) (a), (b) and (c).

(21c) The Minister may by order designate any part of Ontario as land to which subsection (21a) shall not apply after the day a certified copy or duplicate of the order is registered.
in the proper land registry office in a manner approved by the Director of Land Registration appointed under the Registry Act.

(21d) Every person who knowingly makes a false statement under subsection (21a) is guilty of an offence and on conviction is liable to a fine not exceeding the aggregate of the value of,

(a) the land in respect of which the statement is made; and

(b) the relevant abutting land,
determined as of the day of registration of the deed or transfer containing the false statement.

22.—(1) Section 1 of the Registry Act, being chapter 445 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clauses:

(ea) "facsimile" means an accurate reproduction of a book, instrument, document or record and includes a print from microfilm and a printed copy generated by or produced from a computer record;

(oa) "property" means land designated as a property under subsection 20a (2) or (4).

(2) Section 16 of the said Act is amended by adding thereto the following subsections:

(3) Subsections (1) and (2) do not apply in the parts of Ontario that are designated under Part I of the Land Registration Reform Act, 1984.

(4) Where land is in a part of Ontario designated under Part I of the Land Registration Reform Act, 1984, the land registrar shall, upon receipt of the prescribed fee, if any, and a written request where a fee is prescribed,

(a) produce for inspection in the office during office hours,

(i) any instrument or document relating to the land that is registered or deposited in the office, or a facsimile of the instrument or document, or
(ii) any book or public record of the office relating to the land, or a facsimile of the book or public record;

(b) supply a copy of the whole or a part of,

(i) any instrument or document relating to the land that is registered or deposited in the office, or a facsimile of the instrument or document, or

(ii) any book or public record of the office relating to the land, or a facsimile of the book or public record; and

(c) certify any copy supplied under clause (b),

in the prescribed manner.

(3) The said Act is amended by adding thereto the following section:

16a.—(1) Where a registered instrument, a document deposited under Part II or a written record of a land registry office is recorded electronically or on a magnetic medium, any writing that,

(a) represents the instrument, document or record;

(b) is generated by or produced from the electronic record or magnetic medium; and

(c) is in a readily understandable form,

is admissible in evidence to the same extent as the original instrument, document or record.

(2) Where a record of a land registry office is recorded electronically or on a magnetic medium and there is no original written record that corresponds to the record, any writing that,

(a) represents the record;

(b) is generated by or produced from the electronic record or magnetic medium; and

(c) is in a readily understandable form,
is admissible in evidence to the same extent as the record would be if it were an original written record.

(4) Section 17 of the said Act is amended by adding thereto the following subsection:

(1a) Subsection (1) does not apply to an instrument or memorial affecting or relating to land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984*.

(5) Clause 19 (2) (a) of the said Act is amended by striking out “manually or mechanically” in the second line.

(6) Subsection 19 (4) of the said Act is amended by inserting after “book” in the fifth line “or a facsimile thereof”.

(7) Subsection 19 (6) of the said Act is repealed and the following substituted therefor:

(6) Where an abstract index is copied, every instrument, except an instrument to which subsection 62 (2), 51 (10) or 51 (11) applies, shall be copied, and the land registrar shall carefully preserve the original abstract index or a facsimile thereof and produce it upon demand.

(8) Section 20 of the said Act is amended by adding thereto the following subsection:

(4) Subsections (1), (2) and (3) do not apply to land in the parts of Ontario designated under Part II of the *Land Registration Reform Act, 1984*.

(9) The said Act is further amended by adding thereto the following section:

20a.—(1) This section applies only to land in the parts of Ontario designated under Part II of the *Land Registration Reform Act, 1984*.

(2) The Director shall, in the prescribed manner, divide into blocks and properties any land that is designated under Part II of the *Land Registration Reform Act, 1984* and assign property identifiers to those properties.

(3) The Director shall, in the prescribed manner, prepare property maps showing all properties and prepare such other maps as are prescribed.
(4) The land registrar shall maintain property maps in the prescribed manner and shall assign property identifiers to properties when and in the manner specified by the Director.

(5) The land registrar shall, in the prescribed manner, create and maintain an index in automated form known as the abstract index and enter every instrument that affects a property in the abstract index under the property identifier assigned to that property.

(6) The land registrar shall, in the prescribed manner, maintain such other indexes and records as are prescribed.

(7) The Director may direct the land registrar to enter, in the prescribed manner, all instruments that were registered before the day this section comes into force, and that belong to a category or were registered during a period specified by the Director, in the abstract index under the property identifiers for the properties affected by the instruments.

(10) Subsection 21 (1) of the said Act is repealed and the following substituted therefor:

(1) Except as otherwise provided in and subject to,

(a) this Act and the regulations; and

(b) in respect of instruments affecting land in the parts of Ontario designated under Part I of the *Land Registration Reform Act, 1984*, Part I of that Act and the regulations made thereunder,

any instrument within the meaning of clause 1 (f) and any other instrument specifically permitted to be registered under Part I of this Act may be registered.

(11) The said Act is further amended by adding thereto the following section:

**21a.** The land registrar may,

(a) refuse to accept for registration an instrument,

(i) that is wholly or partly illegible or unsuitable for microfilming, or

(ii) that affects land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984* and contains or has attached to it material that does not, in the
land registrar's opinion, affect or relate to an interest in land; and

(b) refrain from recording a part of a registered instrument affecting land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984* where the part of the instrument does not, in the land registrar's opinion, affect or relate to an interest in land.

(12) **Section 22 of the said Act is amended by adding thereto the following subsection:**

(3) Subsections (1) and (2) do not apply to an instrument affecting land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984*.

(13) The said Act is further amended by adding thereto the following section:

**22a.**—(1) This section applies only to instruments affecting land in the parts of Ontario designated under Part I of the *Land Registration Reform Act, 1984*.

(2) An instrument shall not be registered unless it contains,

(a) a reference to the lot, part lot or other unit on the plan or concession it affects;

(b) a registrable description of the land it affects, unless a registrable description of the same land is already recorded in the abstract index; and

(c) the property identifier, if any, assigned under subsection 20a (2) or (4) to the property it affects.

(3) Subsection (2) does not apply to an instrument that is,

(a) a plan;

(b) identified by the letters "G.R." and to be registered under subsection 18 (6);

(c) a by-law that does not directly affect title to land;

(d) presented for registration together with a declaration in the prescribed form made by a party to the instrument or by the party's solicitor, attorney under registered power of attorney, or heirs, executors or administrators, or, where the party is a cor-
poration, by an officer thereof, stating that the instrument affects land within the registry division, and containing the information required by subsection (2);

(e) a judgment or order of the court or of a judge, or a certificate or certified or notarial copy of such judgment or order, presented for registration together with a declaration in the prescribed form, made by one of the parties to the action or by the party's solicitor, stating that the instrument affects land within the registry division, and containing the information required by subsection (2); or

(f) one of a prescribed class of instruments.

Further recording

(4) A registered instrument may be recorded or further recorded in the abstract index upon the registration of a declaration in the prescribed form made by any of the persons mentioned in clauses (3) (d) and (e).

(14) The said Act is further amended by adding thereto the following section:

Exception


(15) Section 32 of the said Act is amended by adding thereto the following subsection:

Exception

(3) Subsections (1) and (2) do not apply to an instrument affecting land in a part of Ontario designated under Part I of the Land Registration Reform Act, 1984.

(16) The said Act is further amended by adding thereto the following section:

Application

32a.—(1) This section applies only to instruments affecting land in the parts of Ontario designated under Part I of the Land Registration Reform Act, 1984.

Seal of court with officer's signature suffices for registration

(2) The seal of a court of record affixed to an instrument is sufficient evidence, for the purpose of registration, of the due execution of the instrument by the judge or the officer of the court signing it.

Execution by corporation

(3) Where an instrument is executed by a corporation,
(a) the corporation's seal affixed to the instrument, with the signature of an authorized person; or

(b) the signature of an authorized person, with the person's statement that he or she has authority to bind the corporation,

are sufficient evidence, for the purpose of registration, of the due execution of the instrument by the corporation.

(17) Section 37 of the said Act is amended by adding thereto the following subsection:

(3) Subsections (1) and (2) do not apply to an instrument affecting land in a part of Ontario designated under Part I of the Land Registration Reform Act, 1984.

Exception

(18) Section 41 of the said Act is amended by adding thereto the following subsection:

(12) Subsections (1), (2), (3), (4), (6), (7) and (10) do not apply to an instrument affecting land in a part of Ontario designated under Part I of the Land Registration Reform Act, 1984.

Where subss. (1-4, 6, 7, 10) do not apply

(19) Section 42 of the said Act is repealed.

(20) Subsection 43 (2) of the said Act is repealed and the following substituted therefor:

(2) An instrument shall not be registered unless every grantee who is not a corporation is described by surname and by the first given name in full, followed by another given name, if any, in full.

Saving

(2a) Failure to comply with subsection (2) does not, in itself, invalidate a registered instrument.

(21) Subsection 56 (3) of the said Act is repealed and the following substituted therefor:

(3) The certificate shall mention the date of registration and the registration number of,

(a) each of the instruments or documents through which the person executing the certificate claims interest in and title to the mortgage money; and

(b) every other registered instrument relating exclusively to the mortgage.
(22) Section 58 of the said Act is amended by adding thereto the following subsections:

Exception 1984, c. 32

(2) Subsection (1) does not apply to a certificate of discharge affecting land in a part of Ontario designated under Part I of the Land Registration Reform Act, 1984.

Effect of registration of discharge of mortgage predating

(3) Where a mortgage affecting land in a part of Ontario designated under Part I of the Land Registration Reform Act, 1984 and executed before the day the land is designated under clause 14 (a) of that Act is discharged, a certificate of discharge under this Act and the regulations that complies with Part I of that Act and the regulations made thereunder is, when registered, as valid and effectual as a conveyance to the mortgagor, his heirs or assigns of his original estate in the mortgaged land or in the part thereof described in the certificate, as the case may be.

(23) Section 60 of the said Act is amended by adding thereto the following subsections:

Exception 1984, c. 32

(4a) Subsection (4) does not apply to a certificate of discharge affecting land in a part of Ontario designated under Part I of the Land Registration Reform Act, 1984.

Effect of certificate

(4b) The certificate when registered, if it is of payment in full of a mortgage affecting land in a part of Ontario designated under Part I of the Land Registration Reform Act, 1984 and executed before the day on which the land is designated under clause 14 (a) of that Act, 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.

(24) Subsection 71 (2) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 17, section 3, is repealed and the following substituted therefor:

Method

(2) The land registrar shall, immediately after becoming aware of any omission or error in recording or deleting,

(a) notify all persons who may be adversely affected by the necessary entries, alterations or corrections; and

(b) make, date and certify the necessary entries, alterations or corrections in the prescribed manner.
(25) Section 76 of the said Act is amended by striking out "book" in the first line.

(26) Section 77 of the said Act is repealed and the following substituted therefor:

77.—(1) Where and as the examiner of surveys directs, the land registrar, taking account of registered instruments and deposited plans, shall prepare and register a plan of an area designated by the examiner of surveys.

(2) A plan prepared and registered under subsection (1) shall be known as a Land Registrar's Compiled Plan.

(3) Where and as the Director directs, the land registrar, taking account of registered instruments and deposited plans, shall,

(a) divide an area designated by the Director into parcels for abstract purposes;

(b) create a new heading in the abstract index for each parcel; and

(c) record previously registered instruments and deposited documents affecting or relating to the designated area under the new headings.

(4) A parcel may include a reference to any easement in respect of which the land is the dominant or servient tenement.

(27) Clause 82 (1) (d) of the said Act is amended by adding at the end thereof "but shall not assign a property identifier to the lands or alter any property identifier that has been assigned under subsection 20a (2) or (4)".

(28) Section 90 of the said Act is repealed and the following substituted therefor:

90. Upon receiving an instrument for registration or a document or plan for deposit, the land registrar shall record it and the fee charged in a manner approved by the Director.

(29) Clauses 91 (b), (e) and (g) of the said Act are repealed and the following substituted therefor:

(b) see that entries and registrations are made and certified in a proper manner, that the indexes and rec-
ords are properly kept and that any original documents are properly stored;

(g) direct the land registrar how and in what manner to do any particular act or amend or correct whatever the Director may find amiss.

(30) Subsection 95 (1) of the said Act is repealed and the following substituted therefor:

(1) Any person, except the land registrar or other officer when entitled by law so to do, who alters any book, record, plan, registered instrument or deposited document or by any means or in any way adds to or takes from the contents of any book, record, plan, instrument or document, and any person who, without lawful authority, removes or attempts to remove any book, record, plan, instrument or document from the place where it is kept, is guilty of an offence and on conviction is liable to a fine of not more than $5,000 for each book, record, plan, instrument or document that the person alters, removes or attempts to remove.

(31) Subsection 96 (1) of the said Act is amended by adding thereto the following clauses:

(ka) prescribing methods and standards for computer entry, storage and retrieval of information;

(pa) prescribing the manner in which entries are to be certified;

(pb) prescribing the form and manner in which entries in the records of land registry offices are to be made;

(pc) prescribing the manner in which fees under this Act are to be paid, authorizing land registrars to require the prepayment of classes of fees by cash deposits and prescribing classes of fees for that purpose;

(pd) prescribing classes of users who may pay fees under this Act by means of credit accounts rather than on the basis of prepayment or payment at the time the service is rendered;

(pe) requiring land registrars to assign to persons who ask to search the records of the land registry office
account numbers and other identification to enable them to do so;

(pf) prescribing the manner in which instruments, documents, books, public records and facsimiles of them are to be produced for inspection;

(pg) prescribing the manner in which copies of instruments, documents, books and public records are to be produced and certified;

(ph) prescribing the manner in which land is to be divided into blocks and properties;

(pi) prescribing the manner in which property maps and other maps are to be prepared and maintained, and prescribing those other maps;

(pj) prescribing the manner in which property identifiers are to be assigned;

(pk) prescribing the manner in which the abstract index is to be created and maintained;

(pl) prescribing other indexes and records and the manner in which they are to be maintained for the purpose of subsection 20a (6);

(pm) prescribing the manner in which instruments are to be entered for the purpose of subsection 20a (7);

(pn) prescribing classes of instruments for the purpose of clause 22a (4) (f);

(po) requiring that printed copies of the abstract index relating to land in the parts of Ontario designated under Part II of the Land Registration Reform Act, 1984 be produced at prescribed times and prescribing the times at which they are to be produced.

(32) Subsection 96 (2) of the said Act is repealed and the following substituted therefor:

(2) The application of any provision of the regulations made under subsection (1) may be limited to one or more registry divisions or one or more part or parts of a registry division or divisions.

(33) Section 100 of the said Act is amended by adding thereto the following subsections:
(2) Subsection (1) does not apply to a deposit relating to land in a part of Ontario designated under Part I of the Land Registration Reform Act, 1984.

(3) Upon every deposit relating to land in a part of Ontario designated under Part I of the Land Registration Reform Act, 1984, the person making the deposit shall deliver to the land registrar a requisition in the prescribed form containing a description of the land to which the deposit relates that complies with subsection 22a (2).

(34) Subsections 101 (1) and (3) of the said Act are repealed and the following substituted therefor:

(1) Upon receiving a requisition under subsection 100 (1) and the documents mentioned in it, the land registrar shall cause the word “deposited” with the date and deposit number to be endorsed on the requisition.

(1a) Upon receiving a requisition under subsection 100 (3), the land registrar shall cause a certificate of deposit in the prescribed form to be endorsed on the requisition and every duplicate of it.

(3) The land registrar shall enter in the abstract index against each lot, parcel or property mentioned in the requisition the words, “See Deposit No.……….,” and, where the requisition refers to only a part of a lot, the entry in the abstract index shall include a reference to the part of the lot.

(35) Section 102 of the said Act is amended by adding thereto the following subsection:

(1a) The land registrar may,

(a) refuse to accept for deposit a document,

   (i) that is wholly or partly illegible or unsuitable for microfilming, or

   (ii) that relates to land in a part of Ontario designated under Part I of the Land Registration Reform Act, 1984 and contains or has attached to it material that does not, in the land registrar’s opinion, relate to an interest in land; and
(b) refrain from recording a part of a deposited document relating to land in a part of Ontario designated under Part I of the Land Registration Reform Act, 1984 where the part of the document does not, in the land registrar’s opinion, relate to an interest in land.

(36) Section 108 of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 17, section 5, is amended by adding thereto the following subsection:

(3a) A person who suffers damage because of an error in recording an instrument affecting land designated under Part II of the Land Registration Reform Act, 1984 in the abstract index is entitled to compensation from The Land Titles Assurance Fund, and clauses (2) (a) and (b) do not apply to the person’s right to compensation.

23. The Short Forms of Conveyances Act, being chapter 472 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

5. Sections 1, 2, 3 and 4 do not apply to a deed of land in a part of Ontario designated under Part I of the Land Registration Reform Act, 1984 that is executed on or after the day the land is designated under clause 14 (a) of that Act.

24. Section 6 of the Short Forms of Mortgages Act, being chapter 474 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

6. Sections 1, 2, 3, 4 and 5 do not apply to a mortgage of land in a part of Ontario designated under Part I of the Land Registration Reform Act, 1984 that is executed on or after the day the land is designated under clause 14 (a) of that Act.

PART IV

GENERAL

25.—(1) This Act, except subsection 22 (26), comes into force on a day to be named by proclamation of the Lieutenant Governor.

(2) Subsection 22 (26) shall be deemed to have come into force on the 1st day of December, 1983.

26. The short title of this Act is the Land Registration Reform Act, 1984.