CHAPTER 8

An Act to amend The Registry Act

Assented to March 30th, 1978

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

1. Clause o of section 1 of The Registry Act, being chapter 409 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(o) "will" means a will as defined in The Succession Law Reform Act, 1977.

2.-(1) Section 42 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4 and 1972, chapter 133, section 16, is further amended by adding thereto the following subsection:

(4a) For the purposes of subsections 5 and 6, "spouse" means "spouse" as defined in clause f of section 1 of The Family Law Reform Act, 1978.

(2) Subsections 5 and 6 of the said section 42 are repealed and the following substituted therefor:

(5) A deed, conveyance, mortgage, lease, assignment of lease, release, or quit claim that is made by a person, other than a corporation, in which no one joins as a spouse, shall not be registered unless there is made on or securely attached to it an affidavit by that person, or if the document is executed by an attorney, by that attorney, deposing whether the person was a spouse at the time of the execution of the instrument.

(6) A deed, conveyance, mortgage, lease, assignment of lease, release, or quit claim that is made by a person and in which another person joins as a spouse shall not be registered unless there is made on or securely attached to it an affidavit by such person, or his or her spouse, or, if the
document is executed by an attorney, by that attorney, deposing that they were spouses of one another at the time of execution of the instrument.

(3) Subsection 9 of the said section 42 is amended by adding thereto the following clause:

(aa) to a spouse who, not as an owner and party, consents to or joins in an instrument for the purposes of section 42 of The Family Law Reform Act, 1978.

(4) Subsection 10 of the said section 42, as amended by the Statutes of Ontario, 1972, chapter 133, section 16, is repealed and the following substituted therefor:

(10) Subsections 5 and 6 do not apply to a person executing an instrument in his capacity as Public Trustee, Official Guardian, trustee in bankruptcy, executor or administrator who is not selling for the purpose of paying debts of the estate, committee of a mentally incompetent person, sheriff, trustee of a religious institution or trustee of a school board and any other person who may be designated by regulation.

3. Subsection 1 of section 102 of the said Act is amended by adding thereto the following clause:

(ga) designating persons for the purposes of subsection 10 of section 42.

4. This Act comes into force on the 31st day of March, 1978.

5. The short title of this Act is The Registry Amendment Act, 1978.