



Français

Land Titles Act

R.S.O. 1990, CHAPTER L.5

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PART I PRELIMINARY

Definitions

1 In this Act,

“court”, except if the context otherwise requires, means the Superior Court of Justice; (“tribunal”)

“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; (“fac-similé”)

“fraudulent instrument” means an instrument,

- (a) under which a fraudulent person purports to receive or transfer an estate or interest in land,
- (b) that is given under the purported authority of a power of attorney that is forged,
- (c) that is a transfer of a charge where the charge is given by a fraudulent person, or
- (d) that perpetrates a fraud as prescribed with respect to the estate or interest in land affected by the instrument; (“acte frauduleux”)

“fraudulent person” means a person who executes or purports to execute an instrument if,

- (a) the person forged the instrument,
- (b) the person is a fictitious person, or
- (c) the person holds oneself out in the instrument to be, but knows that the person is not, the registered owner of the estate or interest in land affected by the instrument; (“fraudeur”)

“land” means land, tenements, hereditaments and appurtenances and any interest therein; (“bien-fonds”)

“land registrar” means a land registrar appointed under the *Registry Act*, in whose land titles division land affected or intended to be affected by any proceeding, instrument, application or plan is or may be registered or deposited; (“registrateur”)

“lot” includes a block, reserve and any other delineation of land on a plan; (“lot”)

“Minister” means the Minister of Government Services or whatever other member of the Executive Council to whom administration for this Act is assigned under the *Executive Council Act*; (“ministre”)

“owner” means an owner in fee simple; (“propriétaire”)

“plan” means a plan that is drawn in accordance with the regulations; (“plan”)

“prescribed” means prescribed by this Act or by the regulations; (“prescrit”)

“property” means land designated as a property under subsection 141 (2) or (4); (“unité foncière”)

“registered” means registered under this Act; (“enregistré”)

“regulations” means the regulations made under this Act and paragraph 7 of subsection 102 (1) or section 103 of the *Registry Act*. (“règlements”) R.S.O. 1990, c. L.5, s. 1; 1998, c. 18, Sched. E, s. 102; 2000, c. 26, Sched. B, s. 12 (1); 2001, c. 9, Sched. D, s. 13; 2006, c. 34, s. 15 (1); 2012, c. 8, Sched. 28, s. 1 (3).

Section Amendments with date in force (d/m/y) [+]

2 REPEALED: 2012, c. 8, Sched. 28, s. 2.

Section Amendments with date in force (d/m/y) [+]

PART II ORGANIZATION AND ADMINISTRATION

APPLICATION OF ACT

Application of Act

3 (1) This Act applies to such parts of Ontario as are designated by regulation. R.S.O. 1990, c. L.5, s. 3 (1).

Regulations

(2) The Minister may by regulation,

- (a) designate the parts of Ontario to which this Act applies;
- (b) describe the land titles divisions; and
- (c) make any change in the boundaries of the land titles divisions. R.S.O. 1990, c. L.5, s. 3 (2); 1998, c. 18, Sched. E, s. 103; 2012, c. 8, Sched. 28, s. 3 (1).

Section Amendments with date in force (d/m/y) [+]**Changes in land titles divisions**

4 (1) The Minister 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). R.S.O. 1990, c. L.5, s. 4 (1); 1998, c. 18, Sched. E, s. 104.

Idem

(2) No alteration in the boundaries of any riding, electoral district or municipality alters or affects the boundaries of any land titles division. R.S.O. 1990, c. L.5, s. 4 (2).

Section Amendments with date in force (d/m/y) [+]**Representatives**

5 A land registrar appointed for a land titles division may appoint as his or her representative one or more public servants employed under Part III of the *Public Service of Ontario Act, 2006*, and the land registrar may delegate to his or her representative the powers, duties and functions under this Act that the land registrar specifies. 2006, c. 35, Sched. C, s. 58 (1).

Section Amendments with date in force (d/m/y) [+]**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. R.S.O. 1990, c. L.5, s. 6 (1).

Land titles system

(2) The system of registration under this Act shall be known as the land titles system. R.S.O. 1990, c. L.5, s. 6 (2).

Fee and receiving record

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. R.S.O. 1990, c. L.5, s. 7.

Section Amendments with date in force (d/m/y) [+]**OFFICERS, ETC.****Duties of Director of Land Registration**

8 The Director of Land Registration appointed under the *Registry Act* has general supervision and control over land registry offices for land titles divisions and the system for registration therein and, subject to this Act and the regulations, has similar powers and duties as he or she has under section 97 of the *Registry Act*, and such other duties as he or she is required to perform by the Minister. R.S.O. 1990, c. L.5, s. 8; 1998, c. 18, Sched. E, s. 106.

Section Amendments with date in force (d/m/y) [+]**Director of Titles**

9 (1) The Deputy Minister may appoint a public servant employed under Part III of the *Public Service of Ontario Act, 2006* who is a barrister and solicitor to be the Director of Titles. 1998, c. 18, Sched. E, s. 107; 2000, c. 26, Sched. B, s. 12 (2); 2006, c. 35, Sched. C, s. 58 (2).

Note: Despite the amendment to subsection (1) by subsection 12 (2) of Schedule B of the *Red Tape Reduction Act, 2000*, the Director of Titles in office immediately before December 6, 2000 shall continue in office until the Deputy Minister appoints a successor. See: 2000, c. 26, Sched. B, s. 12 (3).

Representatives

(2) The Director of Titles may appoint as his or her representative one or more public servants employed under Part III of the *Public Service of Ontario Act, 2006*, and the Director may delegate to a representative the powers, duties and functions under this or any other Act that the Director specifies. 2006, c. 35, Sched. C, s. 58 (3).

Section Amendments with date in force (d/m/y) [+]**Director of Titles: authority, hearings****Authority of Director of Titles**

10 (1) The Director of Titles has the authority to determine any matter relating to titles of land to which this Act applies. R.S.O. 1990, c. L.5, s. 10 (1).

(2) REPEALED: 1998, c. 18, Sched. E, s. 108 (1).

Hearing before Director

(3) If under this Act the land registrar is authorized to determine any matter, the Director of Titles may determine the matter at a hearing. 2009, c. 33, Sched. 17, s. 5 (1).

Place for hearing

(4) A hearing held under this Act may be held at the local land registry office, the office of the Director of Titles or some other location in Ontario that the hearing officer chooses, having regard to the circumstances of the case. 1998, c. 18, Sched. E, s. 108 (2).

Notices of hearing

(5) The Director of Titles shall serve or cause to be served notices of a hearing to be held by the Director of Titles under this Act and may direct a land registrar to serve any notice of a hearing required to be served under this Act and the land registrar shall comply with the direction. 2009, c. 33, Sched. 17, s. 5 (2).

Registration of order of Director

(6) Any order of the Director of Titles shall, upon his or her request, be registered, without fee, by the land registrar, who shall make such entries in or amendments to the register of the title of the land affected by the order as may be required by the Director in the order. R.S.O. 1990, c. L.5, s. 10 (6).

First registration

(7) The Director of Land Registration and the Director of Titles shall perform such functions relating to the first registration of land under this Act as are required. R.S.O. 1990, c. L.5, s. 10 (7); 1998, c. 18, Sched. E, s. 108 (3).

Section Amendments with date in force (d/m/y) [+]**Transfer of functions to Director of Land Registration**

11 (1) The Minister may make regulations transferring to the Director of Land Registration any function of the Director of Titles that is essentially of an administrative nature under any Act. R.S.O. 1990, c. L.5, s. 11 (1).

Where transfer not exclusive

(2) A transfer of a function in a regulation made under subsection (1) may, where it expressly so states, retain to the Director of Titles concurrent authority to perform the function transferred. R.S.O. 1990, c. L.5, s. 11 (2).

Statutory references

(3) A regulation made under subsection (1) shall identify each function to be transferred by citing the relevant statutory provision. R.S.O. 1990, c. L.5, s. 11 (3).

Deemed amendments

(4) Where a function has been transferred, the statutory provision cited and the related provisions of any regulation shall thereafter be read and construed as though "Director of Land Registration" had been substituted for "Director of Titles". R.S.O. 1990, c. L.5, s. 11 (4).

Idem

(5) Where a function has been transferred and subsection (2) applies, the statutory provision cited and the related provisions of any regulation shall thereafter be read and construed as though "Director of Land Registration and Director of Titles" had been substituted for "Director of Titles". R.S.O. 1990, c. L.5, s. 11 (5).

Section Amendments with date in force (d/m/y) [+]**Disputes as to fees**

12 (1) Where a dispute arises in regard to any question of fees under this Act, the land registrar shall forthwith submit the dispute to the Director of Land Registration, and shall thereupon notify the person interested or the person's 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. R.S.O. 1990, c. L.5, s. 12 (1).

Reduction of 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 or she considers appropriate. R.S.O. 1990, c. L.5, s. 12 (2).

Decisions of Director of Land Registration

(3) All decisions given by the Director of Land Registration shall be in writing and the appeal therefrom shall be to the Divisional Court in accordance with the rules of court. R.S.O. 1990, c. L.5, s. 12 (3).

Section Amendments with date in force (d/m/y) [+]

13 REPEALED: 1998, c. 18, Sched. E, s. 109.

Section Amendments with date in force (d/m/y) [+]**Examiner of surveys**

14 (1) There shall be an examiner of surveys whom the Deputy Minister shall appoint. 2000, c. 26, Sched. B, s. 12 (4).

Note: Despite the re-enactment of subsection (1) by subsection 12 (4) of Schedule B to the *Red Tape Reduction Act, 2000*, the examiner of surveys in office immediately before December 6, 2000 shall continue in office until the Deputy Minister appoints a successor. See: 2000, c. 26, Sched. B, s. 12 (5).

Qualifications

(2) A person shall not be appointed as examiner of surveys unless he or she is an Ontario land surveyor of not less than five years standing. R.S.O. 1990, c. L.5, s. 14 (2).

Duties

(3) The examiner of surveys shall work under the direction of the Director of Titles and shall perform the duties under this Act, the *Boundaries Act*, the *Condominium Act, 1998* and the *Registry Act* that are required by the Director of Titles or otherwise required. 2009, c. 33, Sched. 17, s. 5 (3).

Assistant examiners of surveys

(4) The examiner of surveys may appoint one or more persons to be assistant examiners of surveys. R.S.O. 1990, c. L.5, s. 14 (4).

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. R.S.O. 1990, c. L.5, s. 14 (5).

Section Amendments with date in force (d/m/y) [+]**Representatives for boundaries**

15 The Director of Titles may appoint one or more persons, each of whom is an Ontario land surveyor, to be a representative for the purposes of,

- (a) exercising the powers and performing the duties of the Director of Titles under the *Boundaries Act*; or
- (b) making an order under section 110 of the *Condominium Act, 1998* to amend a declaration or description under that Act. 2004, c. 19, s. 13 (1).

Section Amendments with date in force (d/m/y) [+]

Protection of officers, etc.

16 (1) No officer appointed under this Act and no person acting under his or her authority or under an order of a court or a rule is liable to any action, suit or proceeding for or in respect of an act or matter in good faith done or omitted to be done in the exercise or supposed exercise of the powers conferred by this Act or of any such order or rule. R.S.O. 1990, c. L.5, s. 16 (1).

Liability of Crown

(2) Subsection (1) does not, by reason of subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, relieve the Crown of liability in respect of a tort committed by a person referred to in subsection (1) to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in like manner as if subsection (1) had not been enacted. R.S.O. 1990, c. L.5, s. 16 (2); 2019, c. 7, Sched. 17, s. 98.

Section Amendments with date in force (d/m/y) [+]

17 REPEALED: 1998, c. 18, Sched. E, s. 112.

Section Amendments with date in force (d/m/y) [+]

Time for registration of instruments

18 (1) The Director may by order specify the days and hours during which instruments may be received for registration; no instruments may be received for registration outside those days and hours except if,

- (a) the Director by order specifies that instruments may be received for registration outside those days and hours; and
- (b) the registrations are made in accordance with the conditions, if any, set out in the Director's order mentioned in clause (a). 2012, c. 8, Sched. 28, s. 11 (1).

(2)-(5) REPEALED: 2012, c. 8, Sched. 28, s. 11 (1).

Scope of orders

(6) An order that the Director of Land Registration makes under this section may be limited to one or more land registry offices for one or more land titles divisions. 1998, c. 18, Sched. E, s. 113.

Not regulations

(7) An order that the Director of Land Registration makes under this section is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 1998, c. 18, Sched. E, s. 113; 2006, c. 21, Sched. F, s. 136 (1).

Section Amendments with date in force (d/m/y) [+]

AUTHORITY OF OFFICERS

Examination of witnesses

19 The Director of Titles may name the witnesses to be examined at a hearing under this Act or may request an official examiner of the court to take the examination of all witnesses produced by any named person or of any class of witnesses. 2009, c. 33, Sched. 17, s. 5 (4).

Section Amendments with date in force (d/m/y) [+]

Powers re witnesses, production of documents, etc.

20 (1) The Director of Titles, by summons, may require the attendance of all such persons as he or she thinks fit in an application made to him or her and may in the summons require any person to produce for inspection any document, deed, instrument or evidence of title to the production of which the applicant or a trustee for the applicant is entitled. R.S.O. 1990, c. L.5, s. 20 (1); 1998, c. 18, Sched. E, s. 114; 2009, c. 33, Sched. 17, s. 5 (5).

To require production of plans, books, etc.

(2) He or she may also, by a like summons, require any person having the custody of any map, plan or book made or kept in pursuance of any statute to produce such map, plan or book for his or her inspection. R.S.O. 1990, c. L.5, s. 20 (2).

Examination on oath

(3) He or she may examine upon oath any person appearing before him or her, and may allow to every person summoned by him or her reasonable charges for the person's attendance. R.S.O. 1990, c. L.5, s. 20 (3).

Charges, etc.

(4) Any charges allowed by the Director of Titles under this section shall be deemed to be charges incurred in connection with the registration of land and may be dealt with accordingly. R.S.O. 1990, c. L.5, s. 20 (4); 2009, c. 33, Sched. 17, s. 5 (6).

Disobedience

(5) If any person disobeys an order or summons of the Director of Titles made under this Act, the Director of Titles may certify the disobedience to the court and the court may then punish the person in the same manner as if the order or summons were an order of the court. 2009, c. 33, Sched. 17, s. 5 (7).

(6) REPEALED: 2009, c. 33, Sched. 17, s. 5 (7).

Tender of conduct money and fees

(7) No person shall be required to attend in obedience to a summons or to produce documents unless the fees and allowances for the person's attendance in accordance with the tariff of the court are paid or tendered to the person. R.S.O. 1990, c. L.5, s. 20 (7).

Section Amendments with date in force (d/m/y) [+]**Director of Titles or land registrar may state a case for opinion of Divisional Court, or direct issue**

21 (1) Where upon the examination of a title or upon an application with respect to registered land the Director of Titles or the land registrar entertains a doubt as to any matter of law, he or she may state a case for the opinion of the Divisional Court and may name the parties to it, and where he or she entertains a doubt as to any matter of fact, may direct an issue to be tried for the purpose of determining such fact. R.S.O. 1990, c. L.5, s. 21 (1).

Exercise of powers

(2) The powers conferred by this section shall not be exercised by a land registrar except with the approval of the Director of Titles. R.S.O. 1990, c. L.5, s. 21 (2).

Section Amendments with date in force (d/m/y) [+]**Administration of oaths**

22 The land registrar, or any representative in his or her office authorized by the land registrar in writing, or any person authorized for a like purpose under the *Registry Act*, may administer an oath for any of the purposes of this Act. R.S.O. 1990, c. L.5, s. 22; 1998, c. 18, Sched. E, s. 115.

Section Amendments with date in force (d/m/y) [+]**Inhibiting of registered dealings**

23 (1) The court, the Director of Titles or the land registrar, upon the application of any person interested made in the prescribed manner in relation to any registered land or charge, after directing such inquiries, if any, to be made and notices given and after hearing such persons as the court, the Director of Titles or the land registrar considers necessary or expedient, may issue an order or make an entry inhibiting for a time or until the occurrence of an event to be named in such order or entry or generally until further order or entry any dealing with registered land or with a registered charge. R.S.O. 1990, c. L.5, s. 23 (1).

(2) REPEALED: 1998, c. 18, Sched. E, s. 116.

Section Amendments with date in force (d/m/y) [+]**PART III
JURISDICTION OF THE COURT****Exercise of jurisdiction**

24 (1) Any jurisdiction of the court under this Act, other than an appeal to which section 19 of the *Courts of Justice Act* applies, may be exercised by a judge of the court. R.S.O. 1990, c. L.5, s. 24 (1).

Costs

(2) The court, on any application or in any other matter or proceeding coming before it under this Act, has the like authority in respect of costs as it has in any ordinary proceeding within its jurisdiction. R.S.O. 1990, c. L.5, s. 24 (2).

Court order to be obeyed

25 (1) Officers appointed under this Act shall obey the order of any competent court in relation to registered land on being served with the order or a certified copy thereof. R.S.O. 1990, c. L.5, s. 25 (1).

Registration under vesting order

(2) Where under an order of the court freehold or leasehold land or a charge is vested in any person, the land registrar shall, on due proof of the order, make such entries in the register as are necessary to give effect thereto, but, if any person whose estate is affected by the order is not shown by the order to be a party to the cause or matter in which the order was made, the applicant shall furnish such evidence as is requisite to show that the person is bound thereby. R.S.O. 1990, c. L.5, s. 25 (2).

Section Amendments with date in force (d/m/y) [+]**Appeal to court**

26 A party to a hearing held under this Act may appeal the decision or order of the Director of Land Registration or the Director of Titles to the court within 30 days of the date of the decision or order, as the case may be, and the appeal shall be by way of a new trial. 2009, c. 33, Sched. 17, s. 5 (8).

Section Amendments with date in force (d/m/y) [+]**Further appeal**

27 Any person affected by an order made under this Act by a judge of the court may appeal to the Divisional Court within 30 days of the date of the decision and, subject to the rules, in like manner as in the case of other appeals to that court. R.S.O. 1990, c. L.5, s. 27; 1998, c. 18, Sched. E, s. 118.

Section Amendments with date in force (d/m/y) [+]**If incapable persons interested**

28 (1) If a minor, person who is incapable as defined in the *Substitute Decisions Act, 1992*, whether or not the person has a guardian, person absent from Canada or person yet unborn is interested in land in respect of the title to which a question arises, any person interested in the land may apply to the Divisional Court for a direction that the opinion of the court in the case stated to it under this Act shall be conclusively binding on the minor, person who is incapable, person absent from Canada or unborn person. 2006, c. 19, Sched. G, s. 3 (1); 2009, c. 33, Sched. 2, s. 41 (1, 2).

Powers of Divisional Court on stated case

(2) The Divisional Court shall hear the allegations of all parties appearing before it and may disapprove altogether or may approve, either with or without modification, of the directions of the Director of Titles or of the land registrar in respect of any case stated as to the title of land. R.S.O. 1990, c. L.5, s. 28 (2).

Power to appoint guardian

(3) The Divisional Court may also, if necessary, appoint a guardian or other person to appear on behalf of a minor, person who is incapable as defined in the *Substitute Decisions Act, 1992*, person absent from Canada or unborn person. 2006, c. 19, Sched. G, s. 3 (2); 2009, c. 33, Sched. 2, s. 41 (3).

Order where persons absent, unborn or under disability

(4) The Divisional Court, if satisfied that the interests of the person under disability, absent or unborn will be sufficiently represented in any case, shall make an order declaring that all persons, with the exceptions, if any, named in the order, are to be conclusively bound, and thereupon all persons, with such exceptions, are conclusively bound by the decision of the court. R.S.O. 1990, c. L.5, s. 28 (4).

Section Amendments with date in force (d/m/y) [+]**Power of court in action for specific performance**

29 (1) Where an action is instituted for the specific performance of a contract relating to registered land or a registered charge, the court having cognizance of the action may by such mode as it considers expedient cause all or any persons who have registered estates or rights in the land or charge, or have entered notices, cautions or inhibitions against the same, to appear in the action and show cause why the contract should not be specifically performed, and the court may direct that an order made by the court in the action is binding on such persons or any of them. R.S.O. 1990, c. L.5, s. 29 (1).

Costs in action for specific performance

(2) All costs awarded to a person so appearing may, if the court so orders, be assessed as between solicitor and client. R.S.O. 1990, c. L.5, s. 29 (2).

**PART IV
APPLICATION FOR FIRST REGISTRATION****APPLICANTS****Application for registration**

30 (1) A person entitled for the person's own benefit at law or in equity to an estate in fee simple in land, whether or not subject to encumbrances, or a person capable of disposing for the person's own benefit by way of sale of an estate in fee simple in land, whether or not subject to encumbrances, may apply to the land registrar to be registered under this Act or to have registered in the person's stead any nominee as owner of the land with an absolute, qualified or possessory title, as the case may be. R.S.O. 1990, c. L.5, s. 30 (1); 1998, c. 18, Sched. E, s. 119.

Application by purchaser

(2) A person who has contracted to buy for the person's own benefit an estate in fee simple in land, whether or not subject to encumbrances, may also apply if the vendor consents to the application. R.S.O. 1990, c. L.5, s. 30 (2).

Application by or authorized by trustee, etc.

(3) A person holding land on trust for sale and a trustee, mortgagee or other person having a power of selling land may authorize the purchaser to make an application to be registered as owner with any title with which an owner is authorized to be registered, and may consent to the performance of the contract being conditional on the purchaser being so registered, or such a person, except a mortgagee, may apply to be registered as owner with the consent of the persons, if any, whose consent is required to the exercise by the applicant of the trust or power of sale. R.S.O. 1990, c. L.5, s. 30 (3).

Application by a mortgagee with a power of sale

(4) A mortgagee having a power of selling land may apply to have the mortgagor or other person owning the equity of redemption registered as owner with any such title. R.S.O. 1990, c. L.5, s. 30 (4).

Registration of Crown as owner

(5) Subject to subsection 43 (4), the land registrar may, upon an application made by or on behalf of any minister of the government of Canada or Ontario, register under this Act any land claimed to be owned by Her Majesty the Queen in right of Canada or Ontario, as the case may be, although the land had not previously been granted by the Crown. R.S.O. 1990, c. L.5, s. 30 (5).

Section Amendments with date in force (d/m/y) [+]**Application by municipal council**

31 (1) The council of any municipality to which this Act applies may by by-law authorize an application to be made to the land registrar to have any land that is within the municipality registered under this Act. R.S.O. 1990, c. L.5, s. 31 (1).

No consent required

(2) For the purpose of an application under subsection (1), the municipality shall be deemed to be the agent of the owners and other persons having an interest in the land designated in the by-law and it is not necessary to obtain the consent of such owners and other persons to the application. R.S.O. 1990, c. L.5, s. 31 (2).

Costs

(3) The costs of and incidental to an application under subsection (1) shall be borne and paid by the municipality making the application and the municipality may recover the same by levy of a special rate of assessment on all parcels included in the application or in the municipality. R.S.O. 1990, c. L.5, s. 31 (3).

Consent of Director

(4) The land registrar shall not proceed with an application under this section without the consent of the Director of Titles. R.S.O. 1990, c. L.5, s. 31 (4).

Registration fees

(5) The Minister may determine the amount of fees to be paid to the land registrar and to the Director of Titles on an application under this section. R.S.O. 1990, c. L.5, s. 31 (5); 1998, c. 18, Sched. E, s. 120 (1).

Fee for certificate as to executions

(6) Despite the regulation under the *Administration of Justice Act*, the Minister may determine the fee payable to a sheriff for a certificate as to executions in connection with an application under this section. R.S.O. 1990, c. L.5, s. 31 (6); 1998, c. 18, Sched. E, s. 120 (2).

Application by Minister where land not in a municipality

(7) The Minister may apply under this section as agent of the owners and other persons having interests in any land designated by the Minister that is not within a municipality, and subsections (2), (3), (5) and (6) apply with necessary modifications. R.S.O. 1990, c. L.5, s. 31 (7).

Section Amendments with date in force (d/m/y) [+]**Land registrar's power to register land to which *Registry Act* applies**

32 (1) A land registrar, with the concurrence of the Director of Titles, may, subject to the regulations or the orders made under subsection (4), register under this Act any land in his or her 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*. R.S.O. 1990, c. L.5, s. 32 (1); 1998, c. 18, Sched. E, s. 121 (1).

Discretion of land registrar re quality of title

(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 land registrar. R.S.O. 1990, c. L.5, s. 32 (2).

Title may be qualified as to location and extent

(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. R.S.O. 1990, c. L.5, s. 32 (3).

Orders governing registration

(4) The Director of Titles may make orders governing the registration of land under subsection (1) and the procedure to be followed in connection with the registration, including the notices to be given to owners and encumbrancers. 1998, c. 18, Sched. E, s. 121 (2); 2000, c. 26, Sched. B, s. 12 (6).

Note: Despite subsection 121 (2) of Schedule E to the *Red Tape Reduction Act, 1998*,

(a) the Director of Land Registration makes an order under subsection 32 (4) of the Act, as re-enacted by subsection 121 (2) of Schedule E to the *Red Tape Reduction Act, 1998*, that is inconsistent with those regulations; or

(b) the Director makes an order under subsection 32 (4) of the Act, as amended by paragraph 2 of subsection 12 (6) of Schedule B to the *Red Tape Reduction Act, 2000*, that is inconsistent with those regulations. See: 2000, c. 26, Sched. B, s. 12 (14).

Note: Despite subsection 121 (2) of Schedule E to the *Red Tape Reduction Act, 1998*,

(a) the Director of Land Registration makes a regulation under subsection 32 (4) of the Act, as re-enacted by subsection 121 (2) of Schedule E to the *Red Tape Reduction Act, 1998*, that is inconsistent with those regulations; or

(b) the Director makes an order under subsection 32 (4) of the Act, as amended by paragraph 2 of subsection 12 (6) of Schedule B to the *Red Tape Reduction Act, 2000*, that is inconsistent with those regulations. See: 2000, c. 26, Sched. B, s. 12 (14).

Not regulations

(5) An order made by the Director of Titles under subsection (4) is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 1998, c. 18, Sched. E, s. 121 (2); 2000, c. 26, Sched. B, s. 12 (6); 2006, c. 21, Sched. F, s. 136 (1).

Section Amendments with date in force (d/m/y) [+]

Registration of Crown grant

33 (1) A land registrar shall register a Crown grant received by him or her under section 37 of the *Public Lands Act* that meets the requirements for registration set out in this Act and the regulations. R.S.O. 1990, c. L.5, s. 33 (1).

Where notice of caution or adverse claim unnecessary

(2) It is not necessary to issue a notice in respect of a caution or adverse claim that has been lodged if, by the certificate of the Minister or Deputy Minister of Natural Resources, it appears that the claim in respect of which the caution or adverse claim was lodged was considered by the said Minister and disposed of before the issue of the patent, and, if before the receipt of such a certificate any proceedings have been taken by a land registrar in respect of the caution or adverse claim, he or she shall thereupon discontinue the proceedings and disallow any objection or claim founded thereon and make such order as to costs as the land registrar considers just. R.S.O. 1990, c. L.5, s. 33 (2).

Action by land registrar

(3) Where there is no contest as to the rights of the parties, the land registrar may make the requisite entry and issue his or her certificate, but, in case of a contest, the land registrar shall transmit the papers to the Director of Titles before registering the patentee as owner. R.S.O. 1990, c. L.5, s. 33 (3).

Where cautioner consents

(4) Where the cautioner consents to the registration of the patentee, the land registrar need not issue a notice on account of the caution. R.S.O. 1990, c. L.5, s. 33 (4).

Registration of Crown lease-patents, etc.

(5) Despite subsection 38 (1), letters patent from the Crown demising land or mining rights for a term of years, or for any greater estate, granted on or after the 31st day of December, 1887, shall be deemed to have been and to be within this section. R.S.O. 1990, c. L.5, s. 33 (5).

Section Amendments with date in force (d/m/y) [+]

Registration of federal patentees

34 Where land patented by the Government of Canada has not been registered under this Act or the *Registry Act* and the patentee applies for registration within five years after the date of the patent, the land registrar has authority to register the patentee as owner of the land without submitting his or her finding upon the application to the Director of Titles for his or her concurrence. R.S.O. 1990, c. L.5, s. 34.

Section Amendments with date in force (d/m/y) [+]**Entry of writs against patentee**

35 Upon making an entry of ownership for land granted to a patentee, the land registrar shall, unless the land is free grant or otherwise exempt from execution,

- (a) search against the patentee for writs of execution and other liens in the electronic database that the sheriff, who has territorial jurisdiction for the land titles division where the land registrar made the entry, maintains for writs of execution and liens; and
- (b) make an entry against the land of the writs of execution and other liens, if any, affecting the land. 1998, c. 18, Sched. E, s. 122.

Section Amendments with date in force (d/m/y) [+]**TITLES****Possessory title may be registered**

36 (1) Where on an application for first registration it appears that the applicant is so entitled by virtue of length of possession of the land, the applicant may be registered as the owner of the land with a possessory title. R.S.O. 1990, c. L.5, s. 36 (1).

Absolute title based on possession

(2) Subject to the approval of the Director of Titles, an applicant for first registration whose claim to ownership is based upon length of possession of the land may be registered as the owner in fee simple with an absolute title of the land. R.S.O. 1990, c. L.5, s. 36 (2).

Section Amendments with date in force (d/m/y) [+]**A qualified title may be registered**

37 (1) Where on the examination of the title it appears to the land registrar that it can be established only for a limited period or subject to certain reservations, the land registrar, on the application of the party applying to be registered, may, by an entry made in the register, except from the effect of registration any estate, right or interest arising before a specified date, or arising under a specified instrument, or otherwise particularly described in the register. R.S.O. 1990, c. L.5, s. 37 (1).

Qualified title

(2) A title registered subject to such excepted estate, right or interest shall be called a qualified title. R.S.O. 1990, c. L.5, s. 37 (2).

Section Amendments with date in force (d/m/y) [+]**Register of leasehold land**

38 (1) A separate register of leasehold land shall be kept and,

- (a) any person who has contracted to buy for the person's own benefit leasehold land held under a lease for a life or lives, or determinable on a life or lives, or for a term of years of which at least twenty-one are unexpired, or in respect of which the lessee or the lessee's assigns is or are entitled to a renewal term or succession of terms amounting with the part unexpired of the current term to at least twenty-one years, or to a renewal for a life or lives, whether or not subject to encumbrances;
- (b) any person entitled for the person's own benefit, at law or in equity, to leasehold land held under any such lease whether or not subject to encumbrances; or
- (c) any person capable of disposing for the person's own benefit by way of sale or leasehold land held under any such lease whether or not subject to encumbrances,

may apply to the land registrar to be registered or to have registered in the person's stead any nominee as owner of such leasehold land, with the addition, where the lease under which the land is held is derived immediately out of freehold land and the applicant is able to submit for examination the title of the lessor, of a declaration of the title of the lessor to grant the lease under which the land is held, if, in the case of leasehold land contracted to be bought, the vendor consents to the application. R.S.O. 1990, c. L.5, s. 38 (1).

Deposit of lease

(2) Every applicant for registration of leasehold land shall deposit with the land registrar,

- (a) the lease in respect of which the application is made;
- (b) a notarial copy of the lease; or
- (c) a notice that sets out the particulars of the lease in a manner specified by the Director of Titles. 2002, c. 18, Sched. E, s. 6 (1).

Reference to “registered lease”

(2.1) A reference in this Act to a “registered lease” is a reference to a lease, copy or notice deposited under subsection (2). 2002, c. 18, Sched. E, s. 6 (1).

Where lease contains prohibition against alienation

(3) Leasehold land held under a lease containing an absolute prohibition against alienation shall not be registered. R.S.O. 1990, c. L.5, s. 38 (3).

Where alienation permitted by licence

(4) Leasehold land held under a lease containing a prohibition against alienation, without the licence of some other person, shall not be registered until provision is made in the prescribed manner for preventing alienation, without such licence by entry in the register of a restriction to that effect. R.S.O. 1990, c. L.5, s. 38 (4).

s. 30 to apply to leasehold land

(5) Section 30 applies to leasehold as well as to freehold land. R.S.O. 1990, c. L.5, s. 38 (5).

Leasehold interests

(6) A person may apply for registration of a leasehold interest under this section where the freehold title out of which the person's interest is derived is registered under this Act. R.S.O. 1990, c. L.5, s. 38 (6).

Evidence of title required on application

(7) An applicant or the applicant's nominee shall not be registered as owner of leasehold land until the title to the land is approved by the land registrar and, if the applicant or nominee applies to be registered as owner of leasehold land with a declaration of the title of the lessor to grant the lease under which the land is held, shall not be registered with the declaration until the lessor, after an examination of the lessor's title by the land registrar, is declared to have had an absolute or qualified title to grant the lease under which the land is held. R.S.O. 1990, c. L.5, s. 38 (7).

Section Amendments with date in force (d/m/y) [+]**EASEMENTS AND MINING RIGHTS****Registration of easements, mining rights**

39 (1) The land registrar may register the owner of,

- (a) any incorporeal hereditament of freehold tenure enjoyed in gross; or
- (b) any mines or minerals where the ownership of the same has been severed from the ownership of the land,

in the same manner and with the same incidents in and with which the land registrar is by this Act empowered to register the owner of land, or as near thereto as circumstances admit. R.S.O. 1990, c. L.5, s. 39 (1).

Registration of easements

(2) If an easement described in subsection (3) is granted and if the evidence of the easement that the Director of Titles requires is produced to that Director, the easement shall be registered on title to the servient lands and may be registered on title to the dominant lands. 2017, c. 2, Sched. 12, s. 5 (1).

Same

(3) Subsection (2) applies to an easement in or over registered land that is granted as appurtenant to land registered in a registry division or an easement in or over land registered in a registry division that is granted as appurtenant to registered land. 2017, c. 2, Sched. 12, s. 5 (1).

Manner of recording

(4) The recording of the easement shall be done in the manner specified by the Director of Titles. 2017, c. 2, Sched. 12, s. 5 (1).

(5) REPEALED: 2017, c. 2, Sched. 12, s. 5 (1).

Section Amendments with date in force (d/m/y) [+]**Easements affecting condominium property**

40 (1) In this section,

“common elements”, “corporation”, “declarant”, “declaration”, “description”, “property” and “unit” have the same meaning as in the *Condominium Act, 1998*. (“parties communes”, “association”, “déclarant”, “déclaration”, “description”, “propriété”, “partie privative”). 2015, c. 28, Sched. 1, s. 150.

Easements created by condominium declaration

(2) An easement is created for all purposes to the same extent as if it had been created by a transfer if,

- (a) the first registered description of the easement is that contained in a declaration and description;
- (b) the easement is,
 - (i) an easement expressly intended to be an easement through the property and to benefit other land owned by the declarant,
 - (ii) an easement expressly intended to be an easement through land owned by the declarant, other than the property, and to benefit the property.
 - (iii) an easement expressly intended to be an easement through land that is not part of the property and that is owned by a person, other than the declarant, and to benefit the property, or
 - (iv) an easement expressly intended to be an easement through the property for the benefit of land that is not part of the property and that is not owned by the declarant; and
- (c) the requirements with respect to the easement that are set out in the *Condominium Act, 1998* and the regulations made under it have been complied with. 2015, c. 28, Sched. 1, s. 150.

Same

(3) In addition to subsection (2), an easement described in subclause (2) (b) (i) or (ii) that is created under that subsection is created as if the declarant had not been the owner of both the land having the benefit of the easement and the land subject to the burden of the easement. 2015, c. 28, Sched. 1, s. 150.

Easement to benefit condominium property

(4) If, in a transfer that is registered before the registration of a transfer of any unit made by the declarant, the declarant transfers an easement through land outside the property to the corporation to be part of the common elements, the easement does not merge by operation of law. 2015, c. 28, Sched. 1, s. 150.

Easement affecting condominium common elements

(5) If, in a transfer that is registered before the registration of a transfer of any unit made by the declarant, the common elements are made subject to an easement expressly intended to benefit other land owned by the declarant, the easement is created for all purposes as if the declarant had not been the owner of both the land having the benefit of the easement and the land subject to the burden of the easement. 2015, c. 28, Sched. 1, s. 150.

Easement becomes part of condominium common elements

(6) If, in an instrument, a corporation expresses an intention that an easement transferred to the corporation is to be part of the common elements and if any instrument in relation to the easement required by the *Condominium Act, 1998* or a predecessor of that Act has been registered, the easement, upon registration of the instrument in which the intention is expressed, becomes part of the common elements. 2015, c. 28, Sched. 1, s. 150.

Exception re *Planning Act*

(7) Section 50 of the *Planning Act* does not apply to an easement to which subsection (2) or (3) applies if the description was approved or exempted under subsection 9 (3) of the *Condominium Act, 1998* or a predecessor of that subsection. 2015, c. 28, Sched. 1, s. 150.

Retroactive effect

(8) Except to the extent that rights governed by this section have been determined by a court, this section has retroactive application. 2015, c. 28, Sched. 1, s. 150.

Section Amendments with date in force (d/m/y) [+]**PROCEDURE ON FIRST REGISTRATION****Regulations as to examination of title**

41 The examination of a title shall be conducted in the prescribed manner, subject to the following:

1. Where notice has been given, sufficient opportunity shall be afforded to any person desirous of objecting to come in and state the person's objections to the land registrar.
2. The Director of Titles has jurisdiction to hear and determine any such objections, subject to an appeal to the Divisional Court in the prescribed manner and on the prescribed conditions.
3. If the land registrar, upon the examination of any title, is of opinion that it is open to objection but is nevertheless a title under which the holding will not be disturbed, the land registrar may approve of it or may require the applicant to apply to the court, upon a statement signed by the land registrar, for its sanction to the registration.
4. It is not necessary to produce any evidence that by the *Vendors and Purchasers Act* is dispensed with as between vendor and purchaser or to produce or account for the originals of registered instruments unless the land registrar otherwise directs.
5. The land registrar may receive and act upon any evidence that is received in court on a question of title, or any evidence that the practice of conveyancers authorizes to be received on an investigation of a title out of court, or any other evidence, whether it is or is not receivable or sufficient in point of strict law, or according to the practice of conveyancers, if it satisfies the land registrar of the truth of the facts intended to be made out thereby.
6. The land registrar may refer to and act upon not only the evidence adduced before him or her in the proceeding in which it is adduced but also any evidence adduced before the land registrar in any other proceeding wherein the facts to which it relates were or are in question.
7. The land registrar may also act upon his or her own personal knowledge of material facts affecting the title upon making and filing a report, stating his or her knowledge of the particular facts and the means he or she had of obtaining such knowledge. R.S.O. 1990, c. L.5, s. 41; 2009, c. 33, Sched. 17, s. 5 (12).

Section Amendments with date in force (d/m/y) [+]**Notice**

42 A notice of an application for first registration is sufficiently served upon a person having an interest by virtue of a conveyance, mortgage, charge or assignment in land adjoining the land of or claimed by the applicant for first registration if it is sent by registered mail addressed to that person at the address appearing on the conveyance, mortgage, charge or assignment, or where no address for that person appears on the conveyance, mortgage, charge, or assignment, to the solicitor whose name appears on the conveyance, mortgage, charge or assignment registered under this Act, the *Registry Act* or the regulations. 2002, c. 18, Sched. E, s. 6 (2).

Section Amendments with date in force (d/m/y) [+]**Caution against registration of land**

43 (1) A person having or claiming such an interest in unregistered land as entitles the person to object to any disposition thereof being made without the person's consent may apply to the land registrar for the registration of a caution to the effect that the cautioner is entitled to notice in the prescribed form, and to be served in the prescribed manner, of any application that may be made for the registration of the land. R.S.O. 1990, c. L.5, s. 43 (1).

Renewal

(2) Every caution under this section shall be renewed before the expiration of five years from the date of registration of the caution; otherwise it ceases to have effect. R.S.O. 1990, c. L.5, s. 43 (2).

Unpatented land

(3) A caution registered under this section in respect of unpatented land has no validity unless the description contained therein specifies the land in accordance with the description subsequently contained in the patent or describes it in such manner that the land registrar may know that the description in the caution is intended to affect the land described in the patent. R.S.O. 1990, c. L.5, s. 43 (3).

Cautioner entitled to notice of proposed registration of land

(4) After a caution has been registered in respect of unregistered land and while the caution is in force, registration shall not be made of the land until notice has been served on the cautioner to appear and oppose the registration and until the prescribed time has elapsed after the date of the service of the notice, or the cautioner has appeared, whichever first happens. R.S.O. 1990, c. L.5, s. 43 (4).

Section Amendments with date in force (d/m/y) [+]**EFFECT OF FIRST REGISTRATION****Liability of registered land to easements and certain other rights**

44 (1) All registered land, unless the contrary is expressed on the register, is subject to such of the following liabilities, rights and interests as for the time being may be subsisting in reference thereto, and such liabilities, rights and interests shall not be deemed to be encumbrances within the meaning of this Act:

1. Provincial taxes and municipal taxes, charges, rates or assessments, and school or water rates.
2. Any right of way, watercourse, and right of water, and other easements.
3. Any title or lien that, by possession or improvements, the owner or person interested in any adjoining land has acquired to or in respect of the land.
4. Any lease or agreement for a lease, for a period yet to run that does not exceed three years, where there is actual occupation under it.
5. Any right under Part II of the *Family Law Act*, of the spouse of the person registered as owner.
6. A construction lien where the time limited for its registration has not expired.
7. Any right of expropriation, access or user, or any other right, conferred upon or reserved to or vested in the Crown by or under the authority of any statute of Canada or Ontario.
- 7.1 Any liabilities, rights and interests reserved to the Crown, or any conditions imposed, in accordance with section 37.4 of the *Public Lands Act*, with respect to transfers of freehold or leasehold interests in unpatented lands, or easements in or over such lands, that are authorized under section 37.2 of that Act or deemed to be legally effective or validly granted, as the case may be, under section 37.3 of that Act.
8. Any public highway.
9. Any liabilities, rights and interests created under section 38 of the *Public Transportation and Highway Improvement Act*.
10. Any by-law heretofore passed under section 34 of the *Planning Act* or a predecessor of that section, and any other municipal by-law heretofore or hereafter passed, affecting land that does not directly affect the title to land.
11. Sections 50 and 50.1 of the *Planning Act*.

12. Where the registered owner is or a previous registered owner was a railway company, any interest that may be or may have been created by any instrument deposited in the office of the Secretary of State of Canada or the Registrar General of Canada, as the case may be, under section 104 of the *Canada Transportation Act* (Canada), or any predecessor of it, but, where the previous registered owner was a railway company, this paragraph does not apply to a subsequent registered owner, except a railway company, unless a note of the previous ownership of the land by the railway company has been entered in the title register.
13. REPEALED: 1997, c. 24, s. 214.
14. Any right of the wife of the person registered as owner to dower in case of surviving the owner. R.S.O. 1990, c. L.5, s. 44 (1); 1991, c. 9, s. 2; 1993, c. 27, Sched.; 1997, c. 24, s. 214; 2006, c. 19, Sched. G, s. 3 (3); 2009, c. 34, Sched. T, s. 2 (1); 2020, c. 34, Sched. 22, s. 4.

Effect of registration of land upon timber licences

(2) Where a licence under Part III of the *Crown Forest Sustainability Act, 1994* has been or is granted and the land is registered under this Act, the land shall be deemed to have been and to be subject to the rights of the licensee or the assigns of the licensee for the current licence year under the licence, and to the rights of Her Majesty in the pine trees under the *Public Lands Act*, without the fact of the land being so subject being expressed in the entry in the register. R.S.O. 1990, c. L.5, s. 44 (2); 1994, c. 25, s. 81.

Where owner of adjoining land has no right

(3) A parcel of land registered under this Act is not subject to paragraph 3 of subsection (1) if a notice of the application for first registration that contained an accurate description of the parcel, or of a former larger parcel of which the parcel is a part, was served upon the person who at the time of giving the notice was the owner, mortgagee, chargee or purchaser, or assignee thereof, under a registered instrument of adjoining land and no objection to the first registration was filed with the land registrar within the time allowed by the notice. R.S.O. 1990, c. L.5, s. 44 (3).

Application under s. 30 deemed action for recovery of land

(4) An application under section 30 shall be deemed to be an action for the recovery of land within the meaning of the *Real Property Limitations Act*. R.S.O. 1990, c. L.5, s. 44 (4); 2002, c. 24, Sched. B, s. 40 (1).

Application of subs. (1), par. 6

(5) Paragraph 6 of subsection (1) does not confer upon a person claiming a construction lien any greater right than the person would have if the land were registered under the *Registry Act*. R.S.O. 1990, c. L.5, s. 44 (5).

Writs of execution

(6) The title of the registered owner for the time being of land is subject to enforceable writs of execution against the owner that have been recorded under section 136, but no writ of execution against a prior registered owner is enforceable in respect of the land unless a note of such writ has been entered in the title register. R.S.O. 1990, c. L.5, s. 44 (6).

Section Amendments with date in force (d/m/y) [+]

Estate of first registered owner with absolute title

45 The first registration of a person as owner of land, in this Act referred to as first registered owner with an absolute title, vests in the person so registered an estate in fee simple in the land, together with all rights, privileges and appurtenances, free from all estates and interests whatsoever, including estates and interests of Her Majesty, that are within the legislative jurisdiction of Ontario, but subject to the following:

1. The encumbrances, if any, entered on the register.
2. The liabilities, rights and interests that are declared for the purposes of this Act not to be encumbrances, unless the contrary is expressed on the register.
3. Where the first registered owner is not entitled for the owner's own benefit to the land registered, then as between the owner and any persons claiming under the owner, any unregistered estates, rights, interests or equities to which such person may be entitled. R.S.O. 1990, c. L.5, s. 45.

Estate of owner registered with a qualified title

46 (1) The registration of a person as first registered owner with a qualified title has the same effect as the registration of such person with an absolute title, except that registration with a qualified title does not affect or prejudice the enforcement of any estate, right or interest appearing by the register to be excepted. R.S.O. 1990, c. L.5, s. 46 (1).

Application for absolute title

(2) The registered owner of land with a qualified title may apply to the land registrar to be registered as owner of the land with an absolute title. 1998, c. 18, Sched. E, s. 123.

Forms and procedure

(3) The applicant shall complete the prescribed forms for the application and comply with the procedure that the Director of Titles specifies. 1998, c. 18, Sched. E, s. 123.

Hearing

(4) The Director of Titles may hear and determine the objections, if any, to the application. 1998, c. 18, Sched. E, s. 123.

Time of registration

(5) The land registrar shall not grant an application under subsection (2) unless all objections have been withdrawn or have been finally disposed of and,

- (a) the Director of Titles is satisfied that the estate, right or interest in respect of which the title is qualified is no longer capable of enforcement; or
- (b) the Director of Titles is prepared to accept a bond or covenant from the applicant in accordance with section 55. 1998, c. 18, Sched. E, s. 123.

Section Amendments with date in force (d/m/y) [+]**Estate of first registered owner with possessory title**

47 (1) The registration of a person as first registered owner with a possessory title only does not affect or prejudice the enforcement of any estate, right or interest adverse to or in derogation of the title of the first registered owner, and subsisting or capable of arising at the time of registration of such owner, but otherwise has the same effect as registration of a person with an absolute title. R.S.O. 1990, c. L.5, s. 47 (1).

Change from possessory title to absolute or qualified title

(2) The registered owner of land with a possessory title only may at any time apply to the land registrar to be registered as owner of the land with an absolute or qualified title, but the applicant shall not be so registered until the title is approved by the land registrar in the same manner as if the application were for first registration with an absolute or qualified title. R.S.O. 1990, c. L.5, s. 47 (2).

Application to be registered as absolute or qualified title after ten years

(3) After the expiration of ten years from the date of registration of a person as the registered owner with a possessory title only, the then registered owner of the land may, upon payment of the required fees, apply to the land registrar to be entered as owner with an absolute or qualified title, and the land registrar may, either forthwith or after requiring such evidence to be furnished and notices to be given as he or she considers expedient, register the applicant as owner in fee simple with an absolute title or qualified title, subject to such encumbrances, if any, as the condition of the title requires. R.S.O. 1990, c. L.5, s. 47 (3); 1998, c. 18, Sched. E, s. 124.

Section Amendments with date in force (d/m/y) [+]**Estate of first registered owner of leasehold land with a declaration of absolute title of lessor to grant lease**

48 The registration of a person as first registered owner of leasehold land, with a declaration that the lessor had an absolute title to grant the lease under which the land is held, vests in such person the land comprised in the registered lease relating to the land for all the leasehold estate therein described with all implied or expressed rights, privileges and appurtenances, free from all estates and interests whatsoever, including estates and interests of Her Majesty, that are within the legislative jurisdiction of Ontario, but subject to the following:

1. All implied and express covenants, obligations and liabilities incident to such leasehold estate.

2. The encumbrances, if any, entered on the register.
3. The liabilities, rights and interests that affect the leasehold estate and that are by this Act declared not to be encumbrances in the case of registered freehold land, unless the contrary is expressed on the register.
4. Where the first registered owner is not entitled for the owner's own benefit to the land registered, then as between the owner and any person for whom the owner holds or claiming under the owner, any unregistered estates, rights, interests or equities to which such person may be entitled. R.S.O. 1990, c. L.5, s. 48.

Estate of first registered owner of leasehold land without a declaration of title of lessor to grant lease

49 The registration of a person as first registered owner of leasehold land, without a declaration of the title of the lessor, does not affect or prejudice the enforcement of any estate, right or interest affecting or in derogation of the title of the lessor to grant the lease under which the land is held, but, save as aforesaid, has the same effect as the registration of a person as first registered owner of leasehold land with a declaration that the lessor had an absolute title to grant the lease under which the land is held. R.S.O. 1990, c. L.5, s. 49.

Lessor may be declared to have a qualified title to grant lease

50 (1) Where on the examination of the title of a lessor by the land registrar it appears to the land registrar that the title of the lessor to grant the lease under which the land is held can be established only for a limited period or subject to certain reservations, the land registrar may, by an entry made in the register, except from the effect of registration any estate, right or interest arising before a specified date or arising under a specified instrument, or otherwise particularly described in the register, and the title of a lessor subject to such excepted estate, right or interest shall be deemed to be a qualified title. R.S.O. 1990, c. L.5, s. 50 (1).

Effect of registration

(2) The registration of a person as first registered owner of leasehold land, with a declaration that the lessor had a qualified title to grant the lease under which the land is held, has the same effect as the registration of such person with a declaration that the lessor had an absolute title to grant the lease under which the land is held, except that registration with the declaration of a qualified title does not affect or prejudice the enforcement of any right or interest appearing by the register to be excepted. R.S.O. 1990, c. L.5, s. 50 (2).

Section Amendments with date in force (d/m/y) [+]

No title by adverse possession, etc.

51 (1) Despite any provision of this Act, the *Real Property Limitations Act* or any other Act, no title to and no right or interest in land registered under this Act that is adverse to or in derogation of the title of the registered owner shall be acquired hereafter or be deemed to have been acquired heretofore by any length of possession or by prescription. R.S.O. 1990, c. L.5, s. 51 (1); 2002, c. 24, Sched. B, s. 40 (2).

Operation of section

(2) This section does not prejudice, as against any person registered as first owner of land with a possessory title only, any adverse claim in respect of length of possession of any other person who was in possession of the land at the time when the registration of the first owner took place. R.S.O. 1990, c. L.5, s. 51 (2).

Section Amendments with date in force (d/m/y) [+]

Registration of certificate

52 (1) A certificate by the land registrar of the first registration of an owner under this Act shall be registered in the registry division in which the land is situate, and thereafter the *Registry Act* ceases to apply to the land. R.S.O. 1990, c. L.5, s. 52 (1).

Particulars to be stated in certificate for registry office

(2) The certificate, besides describing the land, shall state the date of the first registration, the number of the parcel and the register in which the land is registered, and the registrar shall in the abstract index enter the number of the parcel and the register as given in the certificate. R.S.O. 1990, c. L.5, s. 52 (2).

Section Amendments with date in force (d/m/y) [+]**Land subject to mortgage at time of registration**

53 (1) Where land is registered subject to mortgages existing thereon at the time of the first registration, the mortgages shall be noted in the register in the same order as they are registered in the registry office, if such mortgages have been so registered, or the dates of the respective registrations thereof shall be stated, but this shall not be taken as an affirmation that such mortgages rank in the order in which they were registered or in the order in which they are noted. R.S.O. 1990, c. L.5, s. 53 (1).

Abstracts of instruments

(2) Abstracts of all instruments dealing with such mortgages shall thereafter be entered in the register, and the entry thereof shall be deemed the registration of the instrument, and the rights of the parties interested or claiming to be interested in any such mortgage so far as it affects land under this Act shall, subject to sections 36, 37, 39, 45, 47 and 87 to 90, be decided under the registry law as if the registrations had been made under the *Registry Act*. R.S.O. 1990, c. L.5, s. 53 (2).

**PART V
ASSURANCE FUND**

CONSTITUTION OF FUND, ETC.

Land Titles Assurance Fund

54 (1) The Land Titles Assurance Fund and The Land Titles Survey Fund are amalgamated and continued under the name The Land Titles Assurance Fund in English and the name Caisse d'assurance des droits immobiliers in French. 2002, c. 18, Sched. E, s. 6 (3).

Idem

(2) Where the amount standing to the credit of the Assurance Fund is less than \$1,000,000, the Assurance Fund shall be increased by payment into it from the Consolidated Revenue Fund of an amount fixed by the Lieutenant Governor in Council. R.S.O. 1990, c. L.5, s. 54 (2).

Money paid into court

(3) Money paid under subsection (2) shall be paid into court. R.S.O. 1990, c. L.5, s. 54 (3).

Land Titles Assurance Fund Account

(4) Subject to subsection (5), money standing to the credit of the Assurance Fund and payments received under subsection (2) shall be credited to The Land Titles Assurance Fund Account and shall be invested from time to time in the same manner as other money paid into court, and, subject to subsection (6), the interest and income derived therefrom shall be credited to the same account. R.S.O. 1990, c. L.5, s. 54 (4).

Payment to Minister of Finance

(5) The money in court at the credit of the Assurance Fund shall on his or her demand be paid to the Minister of Finance. R.S.O. 1990, c. L.5, s. 54 (5); 2009, c. 33, Sched. 17, s. 5 (13).

Minister to issue stock for sums received from Assurance Fund

(6) The Minister of Finance, on receipt of the money paid to him or her under subsection (5), shall issue to the Accountant of the Superior Court of Justice in trust Ontario Government stock to an amount equal to the sum so received, and the stock shall represent the Assurance Fund and be available for the same purposes. R.S.O. 1990, c. L.5, s. 54 (6); 2006, c. 19, Sched. C, s. 1 (3); 2009, c. 33, Sched. 17, s. 5 (13).

Conditions of issue

(7) The stock shall be paid or may be redeemed at such time and shall be subject to such conditions as to inscription, registration and transfer as the Lieutenant Governor in Council considers advisable, and shall bear interest at the rate of 2 ¹/₂ per cent per year. R.S.O. 1990, c. L.5, s. 54 (7).

Charge on Consolidated Revenue Fund

(8) The stock, together with the interest thereon, shall be charged upon and paid out of the Consolidated Revenue Fund. R.S.O. 1990, c. L.5, s. 54 (8).

Section Amendments with date in force (d/m/y) [+]**Indemnification of Assurance Fund**

55 The land registrar may require any applicant for registration to indemnify The Land Titles Assurance Fund against loss by a bond or covenant to Her Majesty, either with or without sureties, or by such other security as he or she considers expedient. R.S.O. 1990, c. L.5, s. 55.

Section Amendments with date in force (d/m/y) [+]**Financial assistance for surveys**

56 (1) An application for financial assistance from The Land Titles Assurance Fund may be made to the Director of Titles by,

- (a) a registered owner in respect of the costs of a survey of the owner's land;
- (b) an applicant for first registration under this Act in respect of the costs of a survey of the applicant's land;
- (c) the council of a municipality in respect of the costs of and incidental to an application under section 31;
- (d) an applicant under the *Boundaries Act* in respect of the costs of and incidental to an application under that Act, including survey costs. 2002, c. 18, Sched. E, s. 6 (4).

Direction for payment

(2) The Director of Titles may direct that all or a part of the costs mentioned in an application made under subsection (1) be paid out of The Land Titles Assurance Fund. 2002, c. 18, Sched. E, s. 6 (4).

Payment re surveys for property mapping

(3) The Director of Titles 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 141 (3) be paid out of The Land Titles Assurance Fund. 2002, c. 18, Sched. E, s. 6 (4).

Payment from Fund

(4) Upon receipt of a direction of the Director of Titles, the Accountant of the Superior Court of Justice 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 Assurance Fund, so far as that Fund is sufficient for the purpose. 2002, c. 18, Sched. E, s. 6 (4); 2006, c. 19, Sched. C, s. 1 (3).

Determination final

(5) The determination by the Director of Titles of the amount, if any, to be paid from The Land Titles Assurance Fund is not subject to appeal. 2002, c. 18, Sched. E, s. 6 (4).

Section Amendments with date in force (d/m/y) [+]**CLAIMS AGAINST FUND****Remedy of person wrongfully deprived of land**

57 (1) A person wrongfully deprived of land or of some estate or interest therein, by reason of the land being brought under this Act or by reason of some other person being registered as owner through fraud or by reason of any misdescription, omission or other error in a certificate of ownership or charge, or in an entry on the register, is entitled to recover what is just, by way of compensation or damages, from the person on whose application the erroneous registration was made or who acquired the title through the fraud or error. R.S.O. 1990, c. L.5, s. 57 (1).

Where no compensation

(2) A person is not entitled to compensation from The Land Titles Assurance Fund in respect of an interest in land existing at the time the land is brought under this Act unless that interest is registered against the title to the land under the *Registry Act* or notice of it is given to the land registrar before the first registration under this Act of a person as owner of the land. R.S.O. 1990, c. L.5, s. 57 (2).

Purchaser or mortgagee in good faith for value not liable

(3) Subsection (1) does not render liable any purchaser or mortgagee in good faith for valuable consideration by reason of the vendor or mortgagor having been registered as owner through fraud or error or having derived title from or through a person registered as owner through fraud or error, whether the fraud or error consists in a wrong description of the property or otherwise. R.S.O. 1990, c. L.5, s. 57 (3).

Compensation from Fund

(4) A person is entitled to compensation from the Assurance Fund if,

- (a) the person is wrongfully deprived of land or of some estate or interest in land by reason of,
 - (i) the land being brought under this Act,
 - (ii) some other person being registered as owner through fraud, or
 - (iii) any misdescription, omission or other error in a certificate of ownership or charge or in an entry on the register;
- (b) the person has demonstrated the requisite due diligence as specified by the Director if the person is wrongfully deprived of land or of some estate or interest in land by reason of some other person being registered as owner through fraud;
- (c) the person is unable under subsection (1) or otherwise to recover just compensation for the person's loss; and
- (d) the person makes an application for compensation within the time period specified in subsection (5.1). 2006, c. 34, s. 15 (2).

Earlier payment

(4.1) A person who is a member of a prescribed class of persons is entitled to compensation from the Assurance Fund if,

- (a) one of the following conditions is met:
 - (i) the person is wrongfully deprived of land or of some estate or interest in land or has not received land or some estate or interest in land by reason of the registration of an instrument described in clause (13) (b) and the Director of Titles or a court, under that clause, has directed that the registration of the instrument be deleted from the register,
 - (ii) the person is wrongfully deprived of land or of some estate or interest in land or has not received land or some estate or interest in land by reason of a rectification of the register made under clause (13) (a) or (c);
- (b) the person has demonstrated the requisite due diligence as specified by the Director with respect to the instrument that is the subject of the rectification; and
- (c) the person makes an application for compensation within the time period specified in subsection (5.1). 2006, c. 34, s. 15 (2).

Same

(4.2) A person who is a member of a prescribed class of persons is entitled to compensation from the Assurance Fund if,

- (a) the Director of Titles or a court, under clause (13) (b), has directed that the registration of an instrument described in that clause be deleted from the register;
- (b) the person has suffered a loss as a result of the deletion described in clause (a); and
- (c) the person makes an application for compensation within the time period specified in subsection (5.1). 2006, c. 34, s. 15 (2).

Reliance on automated index

(5) 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* in the parcel register is entitled to compensation from the Assurance Fund if the person makes an application for compensation within the time period specified in subsection (5.1). 2006, c. 34, s. 15 (2).

Time for application

(5.1) A person claiming to be entitled to the payment of compensation under subsection (4), (4.1) or (5) shall make an application within six years from the time of having suffered the loss described in the applicable subsection or, in the case of a minor or a person who is incapable as defined in the *Substitute Decisions Act, 1992*, within six years from the date on which the minority or incapacity ceased. 2006, c. 34, s. 15 (2); 2009, c. 33, Sched. 2, s. 41 (4).

Application for compensation from Assurance Fund

(6) A person claiming to be entitled to payment of compensation out of The Land Titles Assurance Fund shall apply to the Director of Titles. R.S.O. 1990, c. L.5, s. 57 (6).

Hearing

(7) Except if he or she determines the claim be paid in full, the Director of Titles may hold a hearing, and the claimant and the other persons that the Director of Titles specifies are parties to the proceeding before the Director. 2006, c. 34, s. 15 (3).

How compensation to be determined

(8) The liability of the Assurance Fund for compensation and the amount of compensation shall be determined by the Director of Titles, and the costs of the proceeding are in the discretion of the Director of Titles. R.S.O. 1990, c. L.5, s. 57 (8).

Claimant to be notified

(9) The Director of Titles shall serve notice of his or her determination under subsection (8) by mail on the claimant. R.S.O. 1990, c. L.5, s. 57 (9); 2009, c. 33, Sched. 17, s. 5 (14).

Appeal

(10) Where the Director of Titles determines that compensation should be paid but that the claim not be paid in full, the claimant, if intending to appeal, shall, within a period of 30 days after the date of mailing of the notice under subsection (9), serve on the Director of Titles notice of intention to appeal under section 26, and the Director of Titles shall not certify under subsection (11) the amount to the Minister of Finance 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. R.S.O. 1990, c. L.5, s. 57 (10); 1998, c. 18, Sched. E, s. 125; 2009, c. 33, Sched. 17, s. 5 (13).

Payment out of Assurance Fund

(11) Subject to subsection (10), the Director of Titles shall certify to the Minister of Finance any amount found to be payable under this section, and, upon receiving the certificate, that Minister shall pay the amount to the person entitled to it out of the Consolidated Revenue Fund, and the sums so paid out shall be credited as payments on account of the stock in the hands of the Accountant of the Superior Court of Justice, and the amount of the stock shall be reduced accordingly. 2009, c. 33, Sched. 17, s. 5 (15).

Recovery of compensation paid in error

(11.1) If, after compensation is paid out of the Assurance Fund, the Director of Titles determines that any part of the compensation was paid in error for any reason, including on the basis of any misrepresentation or any lack of information available at the time of making the payment, the Director of Titles may commence an action to recover the amount of that part from the person who received it. 2006, c. 34, s. 15 (4).

Subrogation

(12) If any amount is paid out of the Assurance Fund to an applicant in respect of a loss, the Director of Titles is subrogated to the right of the applicant and the applicant's heirs, executors, successors and assigns to recover compensation or damages from any person in respect of the loss, and the certificate of the Director of Titles of the payment out of the Assurance Fund is sufficient proof of the payment. 2006, c. 34, s. 15 (5).

Agreements

(12.1) For the purposes of subsection (12), the Director of Titles may enter into agreements with any person or body that is liable to make any payment to a person who has received compensation from the Assurance Fund if the liability arises out of conduct that gave rise to the payment made from the Assurance Fund. 2006, c. 34, s. 15 (5).

Rectification of register

(13) Subject to subsection (14), the Director of Titles may, in the first instance or after a reference to a court, or a court may direct the rectification of the register if,

- (a) a registered instrument would be absolutely void if unregistered;
- (b) the Director of Titles or a court, as the case may be, is satisfied, on the basis of evidence that the Director of Titles specifies or the court orders, that a fraudulent instrument has been registered on or after October 19, 2006; or
- (c) the effect of the error, if not rectified, would be to deprive a person of land of which the person is legally in possession or legally in receipt of the rents and profits. 2006, c. 34, s. 15 (6).

Notice to Director of Titles

(14) A court shall not direct the rectification of the register under clause (13) (b) unless the applicant in the proceeding before the court has given notice of the proceeding to the Director of Titles and the Director of Titles is a party to the proceeding. 2006, c. 34, s. 15 (6).

Caution in case of fraud

(15) If it appears to the Director of Titles that a registered instrument may be fraudulent, the Director of Titles may of his or her own accord and without affidavit enter a caution to prevent dealing with the registered land. 2006, c. 34, s. 15 (6).

Hearing

(16) If the Director of Titles has entered a caution under subsection (15), the Director of Titles may hold a hearing before making any rectification of the register under subsection (13) and subsections 10 (4), (5) and (6) apply to the hearing. 2006, c. 34, s. 15 (6).

Power to summon witnesses

(17) For the purposes of the hearing, the Director of Titles may exercise the powers described in subsections 20 (1), (2) and (3) with necessary modifications and the reference in subsection 20 (1) to an applicant is deemed to be a reference to any party to the hearing. 2006, c. 34, s. 15 (6).

Same

(18) Subsections 20 (4) to (7) apply to the hearing with necessary modifications. 2006, c. 34, s. 15 (6).

Assistance

(19) The Director of Titles may, in the course of the hearing, require a party to the hearing to produce a document or record and to provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce information in any form, and the person shall produce the document or record or provide the assistance. 2006, c. 34, s. 15 (6).

Section Amendments with date in force (d/m/y) [+]**Valuation of mining lands**

58 (1) Where a person makes a claim upon The Land Titles Assurance Fund for compensation in respect of land patented as mining land or in respect of land the chief value of which consists in the ores, mines or minerals therein and it appears that the person is entitled to recover in respect of the land or of some interest therein, in determining the amount of compensation to be paid to the person, 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. R.S.O. 1990, c. L.5, s. 58 (1).

Apportionment proportionately

(2) Where the amount that was paid for the original grant from the Crown was paid in respect of other land in addition to that for which a claim is so made without it appearing what amount was paid in respect of the particular parcel of land with reference to which the claim is made, the amount so paid, or the portion thereof as to which the fact may not appear to be otherwise, shall be deemed to have been paid proportionately in accordance with the acreage or other superficial content of the whole parcel or of the various parcels in respect of which the amount was paid. R.S.O. 1990, c. L.5, s. 58 (2); 2006, c. 34, s. 15 (7).

Section Amendments with date in force (d/m/y) [+]**No compensation**

59 (1) No person is entitled to recover out of the Assurance Fund any compensation,

when person first registered could have conveyed good title to purchaser

- (a) where the claim is founded upon a right existing at the time of the first registration of the land and the state of the title of the land at that time was such that the person who was first registered, or the person on whose nomination or authorization the registration was made, by a duly registered conveyance could have conferred, as against the claimant, a valid title to a purchaser in good faith for valuable consideration without notice of any defect in the title, and no sufficient caution had been registered and was in force when the application for first registration was made or a patent was forwarded for registration and the land registrar had not actual notice of the defect prior to the first registration;

where claimant had notice of registration proceeding

- (b) where the claimant, by direction of the land registrar or in accordance with the practice of his or her office, had been served with a notice of the proceeding being had in that office, whether the proceeding was commenced prior or subsequent to first registration, and failed to act in accordance with the requirements of the notice or if the land registrar or the Director of Titles had adjudicated against the claimant and the claimant had failed to prosecute successfully an appeal against the decision;

where claimant's negligence has caused loss

- (c) where the claimant has caused or substantially contributed to the loss by the claimant's act, neglect or default, and the omission to register a sufficient caution, notice, inhibition or restriction to protect a mortgage by deposit or other equitable interest or any unregistered right, or other equitable interest or any unregistered interest or equity created under section 71 or otherwise shall be deemed neglect within the meaning of this clause;

fraud

- (d) if the person knowingly participates or colludes in a fraud with respect to the interest or right on which the claim is founded;

subrogated claim

- (e) if the interest or right on which the claim is founded is derived on or after October 19, 2006 from a subrogated claim; or

claim of insurer

- (f) if the person makes the claim, on or after October 19, 2006, on behalf of an insurer of the person. R.S.O. 1990, c. L.5, s. 59 (1); 2006, c. 34, s. 15 (7, 8); 2009, c. 33, Sched. 17, s. 5 (16).

Definition

(2) In this section,

"claimant" includes the person actually making the claim and any person through whom the person claims who the person alleges was wrongfully deprived of land or of some estate or interest therein. R.S.O. 1990, c. L.5, s. 59 (2); 2006, c. 34, s. 15 (7).

Section Amendments with date in force (d/m/y) [+]**Inspection**

59.1 (1) In this section,

"inspector" means the Director of Titles or a person designated in writing by that Director when exercising any of the powers set out in this section. 2006, c. 34, s. 15 (9).

Powers

(2) Upon having a reasonable belief that a person described in subsection (3) is likely to have information relevant to determining whether a payment of compensation out of The Land Titles Assurance Fund is authorized under subsection 57 (4.1), an inspector may,

- (a) require that the person produce for inspection and examination, in a readable form, any documents and records that may contain the information;

- (b) require that the person provide whatever assistance is reasonably necessary to produce documents and records in a readable form when required to do so under clause (a), including using any data storage, processing or retrieval device or system for that purpose;
- (c) upon giving a receipt for them, copy any of the things that the person is required to produce under clause (a) if the inspector returns the things promptly to the person who produced them; and
- (d) require that the person answer all inquiries relevant to the information. 2006, c. 34, s. 15 (9).

Persons being inspected

(3) The persons who are subject to an inspection under subsection (2) are every person who is registered as the owner of land or some estate or interest in land with respect to which an application for compensation from The Land Titles Assurance Fund is made under subsection 57 (4.1) or who was registered as such at the time the claim for compensation arose. 2006, c. 34, s. 15 (9).

Identification

(4) An inspector shall produce, on request, evidence of the authority to carry out an inspection. 2006, c. 34, s. 15 (9).

No obstruction

(5) No person shall,

- (a) obstruct an inspector conducting an inspection;
- (b) withhold from the inspector or conceal information that is relevant to the inspection; or
- (c) withhold from the inspector or conceal, alter or destroy any documents or records that are relevant to the inspection. 2006, c. 34, s. 15 (9).

Admissibility of copies

(6) A copy of a document or record certified by an inspector to be a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value. 2006, c. 34, s. 15 (9).

Section Amendments with date in force (d/m/y) [+]**Offence**

59.2 A person who contravenes subsection 59.1 (5) is guilty of an offence and, on conviction, is liable to,

- (a) a fine of not more than \$50,000 or imprisonment for a term of not more than two years less a day, or both, if the person is an individual; and
- (b) a fine of not more than \$250,000, if the person is a corporation. 2006, c. 34, s. 15 (9).

Section Amendments with date in force (d/m/y) [+]**PART VI
PART OWNERS****Registration of part owners**

60 (1) Any two or more persons entitled concurrently or successively, or partly in one mode and partly in another, to such estates, rights or interests in land as together make up such an estate as would, if vested in one person, entitle the person to be registered as owner of the land may apply to the land registrar to be registered as joint owners in the same manner and with the same incidents, so far as circumstances admit, in and with which it is in this Act declared that an individual owner may be registered. R.S.O. 1990, c. L.5, s. 60 (1).

Entry

(2) Where several persons are so registered as owners, the entry may, if the parties so desire, define the estates, rights and interests, other than trust estates, rights and interests, to which the owners are respectively entitled, and such entry may be made either upon first registration or subsequently in case the estates, rights or interests so arise. R.S.O. 1990, c. L.5, s. 60 (2).

Section Amendments with date in force (d/m/y) [+]**Undivided shares**

61 (1) No person shall be registered as owner of an undivided share in freehold or leasehold land or of a charge apart from the other share or shares. R.S.O. 1990, c. L.5, s. 61 (1).

Rights of part owner

(2) Where the extent of a co-owner's interest is not shown on the register, the co-owner may,

- (a) transfer or charge a specified share in the land or transfer a share in the charge, as the case may be, upon providing the Director of Titles with proof of the co-owner's percentage of ownership in the manner specified by the Director of Titles; or
- (b) transfer or charge all of the co-owner's unspecified share. R.S.O. 1990, c. L.5, s. 61 (2); 2017, c. 2, Sched. 12, s. 5 (5).

Section Amendments with date in force (d/m/y) [+]**Trusts not to be entered**

62 (1) A notice of an express, implied or constructive trust shall not be entered on the register or received for registration. R.S.O. 1990, c. L.5, s. 62 (1).

Description of owner as a trustee

(2) Describing the owner of freehold or leasehold land or of a charge as a trustee, whether the beneficiary or object of the trust is or is not mentioned, shall be deemed not to be a notice of a trust within the meaning of this section, nor shall such description impose upon any person dealing with the owner the duty of making any inquiry as to the power of the owner in respect of the land or charge or the money secured by the charge, or otherwise, but, subject to the registration of any caution or inhibition, the owner may deal with the land or charge as if such description had not been inserted. R.S.O. 1990, c. L.5, s. 62 (2).

Owners described as trustees to be joint tenants

(3) Where two or more owners are described as trustees, the property shall be held to be vested in them as joint tenants unless the contrary is expressly stated. R.S.O. 1990, c. L.5, s. 62 (3).

Saving

(4) Nothing in this section prevents the registration of a charge given for the purpose of securing bonds or debentures of a corporation, but the registration of such a charge is not a guarantee that the steps necessary to render the charge valid have been duly taken. R.S.O. 1990, c. L.5, s. 62 (4).

Nature of title of registered fiduciary owners

63 Any person registered in the place of a deceased owner or to whom a patent is issued as executor administrator or estate trustee or in any representative capacity shall hold the land or charge, in respect of which the person is registered, upon the trusts and for the purposes to which the same is applicable by law and subject to any unregistered estates, rights, interests or equities subject to which the deceased owner held the same, but otherwise in all respects, and in particular as respects any registered dealings with such land or charge, the person shall be in the same position as if the person had taken the land or charge under a transfer for a valuable consideration. R.S.O. 1990, c. L.5, s. 63; 1998, c. 18, Sched. E, s. 126.

Section Amendments with date in force (d/m/y) [+]**Registration of certain trustees****Registration of trustees under *Religious Organizations' Lands Act***

64 (1) Where registered land or an interest therein is acquired by trustees under the *Religious Organizations' Lands Act*, it shall be registered in the name of the religious organization without setting out the purposes or trusts on which the land or interest is held. R.S.O. 1990, c. L.5, s. 64 (1).

Registration of other trustees

(2) A person who has been appointed as a trustee under the *Bankruptcy and Insolvency Act* (Canada) or under any other Act of Canada or Ontario or by the court, upon proof of entitlement satisfactory to the land registrar, may be registered as the owner of registered land or of an interest therein, and the person may transfer the same upon proof of compliance with the Act or order under which the person was appointed. R.S.O. 1990, c. L.5, s. 64 (2); 2002, c. 18, Sched. E, s. 6 (5).

Trustees of pension funds

(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 248 (1) of the *Income Tax Act* (Canada), and the charge or transfer of charge has attached thereto a statement 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. R.S.O. 1990, c. L.5, s. 64 (3); 1998, c. 18, Sched. E, s. 127 (1).

Idem

(4) A transfer or cessation of a charge made by the trustee or trustees mentioned in subsection (3) shall not be registered unless there is attached thereto a statement made by the trustee or, where there is more than one trustee, by one of them or by the solicitor for the trustee or trustees, deposing that the signing trustee is, or trustees are, authorized to execute the transfer or cessation. R.S.O. 1990, c. L.5, s. 64 (4); 1998, c. 18, Sched. E, s. 127 (2).

Section Amendments with date in force (d/m/y) [+]**Special entry in certain cases**

65 (1) Upon the registration of two or more persons as owners of the same land or of the same charge, an entry may, with their consent, be made on the register to the effect that, when the number of such owners is reduced below a certain specified number, no registered disposition of the land or charge shall be made except under the order of the court. R.S.O. 1990, c. L.5, s. 65 (1).

No survivorship

(2) In such a case, the words "No Survivorship" or "sans gain de survie" in the entry mean that, if any one of the owners should die, no registered disposition of the land or charge shall be made except under order of the court. R.S.O. 1990, c. L.5, s. 65 (2).

PART VII SUBSEQUENT REGISTRATIONS

GENERAL

Right of transferees and chargees to registration

66 Every transfer or charge signed by a registered owner, or others claiming by transfer through or under a registered owner, purporting to transfer or charge freehold or leasehold land, or an interest therein, capable of being registered, or purporting to transfer a charge, shall, until cut out by a conflicting registration, confer upon the person intended to take under the transfer or charge a right to be registered as the owner of the land or charge and, where a person applies to be registered under this section, the land registrar may, either forthwith or after requiring such notices to be given as the land registrar considers expedient, register the applicant as owner, subject to such encumbrances, if any, as the condition of the title requires, although the transfer or charge has been executed or bears date prior to the entry of the transferor or chargor as the owner of the land or charge. R.S.O. 1990, c. L.5, s. 66.

Section Amendments with date in force (d/m/y) [+]**Description of registered owner**

67 Subject to section 64, no person, other than a corporation, may be shown as the registered owner of land or a charge unless the person is described by,

- (a) if the person has a single name, but no surname or first given name, the person's single name; or
- (b) if the person does not have a single name, the person's surname and first given name in full, followed by another given name, if any, in full. 2017, c. 20, Sched. 9, s. 7.

Section Amendments with date in force (d/m/y) [+]**Dealings with registered land**

68 (1) No person, other than the registered owner, is entitled to transfer or charge registered freehold or leasehold land by a registered disposition. R.S.O. 1990, c. L.5, s. 68 (1).

Unregistered estates, etc.

(2) Subject to the maintenance of the estate and right of the registered owner, a person having a sufficient estate or interest in the land may create estates, rights, interests and equities in the same manner as the person might do if the land were not registered. R.S.O. 1990, c. L.5, s. 68 (2).

Meaning of “vest” or “belong”

69 (1) Where by an order of a court of competent jurisdiction or where by virtue of the operation of an Act of Canada or Ontario registered land or any interest therein is stated by the order or Act to vest, be vested or become vested in, or belong to, the Crown in right of Canada or Ontario or any person other than the registered owner of the land, the registered owner shall be deemed for the purposes of this Act to remain the owner thereof,

(a) until an application to be registered as owner is made by or on behalf of the Crown or other person in or to whom the land is stated to be vested or to belong; or

(b) until the land is transferred to the Crown or person by the registered owner,

as the case may be, in accordance with the order or Act. R.S.O. 1990, c. L.5, s. 69 (1).

Exception

(2) Subsection (1) does not apply to,

(a) an expropriation plan registered in accordance with the *Expropriations Act*; or

(b) a plan registered in accordance with the *Public Transportation and Highway Improvement Act* in the highways register mentioned in subsection 72 (2) of this Act. R.S.O. 1990, c. L.5, s. 69 (2).

Power of attorney authorized

70 (1) A person may, under a power of attorney, authorize another person to act for that person in respect of any land or interest therein under this Act. R.S.O. 1990, c. L.5, s. 70 (1).

Registration

(2) A power of attorney or a notarial or certified copy of it may be registered in the prescribed manner. 1998, c. 18, Sched. E, s. 128.

Revocation

(3) No registered power of attorney shall be deemed to be revoked until a revocation thereof is registered or evidence is filed with the land registrar showing that it is no longer in force. R.S.O. 1990, c. L.5, s. 70 (3).

Section Amendments with date in force (d/m/y) [+]**Protection of unregistered estates**

71 (1) Any person entitled to or interested in any unregistered estates, rights, interests or equities in registered land may protect the same from being impaired by any act of the registered owner by entering on the register such notices, cautions, inhibitions or other restrictions as are authorized by this Act or by the Director of Titles. R.S.O. 1990, c. L.5, s. 71 (1).

Agreement of purchase and sale

(1.1) An agreement of purchase and sale or an assignment of that agreement shall not be registered, but a person claiming an interest in registered land under that agreement may register a caution under this section on the terms specified by the Director of Titles. 1998, c. 18, Sched. E, s. 129.

Effect of registration

(2) Where a notice, caution, inhibition or restriction is registered, every registered owner of the land and every person deriving title through the registered owner, 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. R.S.O. 1990, c. L.5, s. 71 (2).

Note: A caution registered under section 71 or a predecessor of that section before June 16, 1999 ceases to have effect five years from June 16, 1999, if the date that the caution ceases to have effect is not specified in the caution or by subsection 128 (4) of this Act, as it read immediately before June 16, 1999, or if there is a date specified in the caution or by subsection 128 (4) of this Act, as it read immediately before June 16, 1999, the earlier of that date and five years from the date of registration of the caution. See: 1998, c. 18, Sched. E, s. 151 (2).

Section Amendments with date in force (d/m/y) [+]

Effect of unregistered instruments

72 (1) No person, other than the parties thereto, shall be deemed to have any notice of the contents of any instruments, other than those mentioned in the existing register of title of the parcel of land or that have been duly entered in the records of the office kept for the entry of instruments received or are in course of entry. R.S.O. 1990, c. L.5, s. 72 (1).

Highways register

(2) For the purposes of subsection (1), the highways register provided for in the regulations shall be deemed to be a record kept for the entry of instruments. R.S.O. 1990, c. L.5, s. 72 (2).

Trans-Canada Pipe Line register

(3) Subject to the regulations, the Trans-Canada Pipe Line register provided for in the regulations shall be deemed, for the purposes of this Act, to be a register of the title of land or interests therein, including easements, owned by TransCanada PipeLines Limited. R.S.O. 1990, c. L.5, s. 72 (3).

Guardian

73 (1) The guardian of the property of a minor or of a mentally incapable person may make an application, give consent, do an act or be party to a proceeding under this Act if the minor or mentally incapable person could have done so if free from disability. 1992, c. 32, s. 18.

Same

(2) The guardian shall represent the minor or mentally incapable person for the purposes of this Act. 1992, c. 32, s. 18.

Same

(3) If a minor or a mentally incapable person has no guardian of property, the Children's Lawyer has power to act under subsections (1) and (2), or the land registrar may appoint a person with power to act under those subsections. 1992, c. 32, s. 18; 1994, c. 27, s. 43 (2).

Same

(4) If a person yet unborn is interested, subsection (3) applies, with necessary modifications. 1992, c. 32, s. 18.

Section Amendments with date in force (d/m/y) [+]

Submission of case to Director of Titles where land registrar in doubt

74 Where, on an application for the registration of an instrument after first registration or for the registration of a transmission, the land registrar is unable to come to a clear conclusion as to the action that he or she should take, the land registrar shall delay making the required entry until he or she has stated the facts to the Director of Titles for his or her opinion, and in submitting the case the land registrar shall state his or her own view and the reasons therefor. R.S.O. 1990, c. L.5, s. 74.

Section Amendments with date in force (d/m/y) [+]

Amendment of register

75 Upon the application of the registered owner or the owner of a registered interest in the registered owner's title or a notice, caution, inhibition or restriction in the title that is registered under section 71, the land registrar may amend any entry in the register of the title to reflect the effect of other statutes, orders of a court, a change in the name of owner or other changes that have occurred in fact. 1999, c. 12, Sched. F, s. 27.

Section Amendments with date in force (d/m/y) [+]**Proof of compliance with other statutes**

76 In respect of the first registration of land or any subsequent registration of an instrument under this Act, the land registrar may require such proof as he or she considers sufficient, or as is specified by the Director of Titles, of compliance with any Act of Canada or Ontario that if not complied with would affect the title of the first registered owner or the title or interest of the person taking under the subsequent instrument. R.S.O. 1990, c. L.5, s. 76; 1998, c. 18, Sched. E, s. 130.

Section Amendments with date in force (d/m/y) [+]**Instruments deemed applications to amend register**

77 (1) Except as otherwise provided by this Act, every instrument presented for registration by which, when registration thereof is completed, an interest in registered land is created, transferred or terminated shall be deemed to be an application to the land registrar to amend the registered title of the land mentioned therein. R.S.O. 1990, c. L.5, s. 77 (1).

Idem

(2) A plan, certificate, order or by-law made under an Act of Canada or Ontario, which when registered has the effect of transferring, vesting or forfeiting registered land or an interest therein, shall be deemed to be an instrument for the purposes of subsection (1). R.S.O. 1990, c. L.5, s. 77 (2).

Certain instruments not within subs. (1)

(3) An agreement or lease or other instrument in respect of which no provision is made by this Act for registration but which is filed in support of or mentioned in a caution, notice of lease or other notice authorized by this Act shall be deemed not to be registered nor to be an instrument for the purposes of subsection (1). R.S.O. 1990, c. L.5, s. 77 (3).

Section Amendments with date in force (d/m/y) [+]**Registration****Time of receipt to be noted**

78 (1) The day, hour and minute of the receipt of each instrument presented for registration and of each copy of a writ or lien received under section 136 shall be noted thereon by the officer or clerk receiving the instrument or copy. R.S.O. 1990, c. L.5, s. 78 (1).

Order of registration

(2) Subject to the regulations, an instrument received for registration shall be registered in the order of time in which it is so received, unless before registration is completed it is withdrawn or the land registrar decides that it contains a material error, omission or deficiency or that there is evidence lacking that the land registrar considers requisite or declines registration for any other reason, and notifies the parties or their solicitors accordingly within twenty-one days after being so received and allows a period of time not less than seven and not more than thirty days from the date of such notification for correction of the error, omission or deficiency or for furnishing evidence and, when the error, omission or deficiency is corrected or evidence furnished within the time allowed, the instrument has priority as if it had been correct in the first instance, but, if the error, omission or deficiency is not corrected or if evidence is not furnished within the time allowed or if the person desiring registration fails to appeal successfully from the decision, the land registrar may proceed with other registrations affecting the land as if the instrument had not been presented for registration, and the land registrar shall be deemed not to be affected with notice of the contents of the instrument. R.S.O. 1990, c. L.5, s. 78 (2); 1993, c. 27, Sched.

When registration complete

(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 assistant deputy land registrar, and the time of receipt of the instrument shall be deemed to be the time of its registration. R.S.O. 1990, c. L.5, s. 78 (3).

Effect of registration

(4) When registered, an instrument shall be deemed to be embodied in the register and to be effective according to its nature and intent, and to create, transfer, charge or discharge, as the case requires, the land or estate or interest therein mentioned in the register. R.S.O. 1990, c. L.5, s. 78 (4).

Exception

(4.1) Subsection (4) does not apply to a fraudulent instrument that is registered on or after October 19, 2006. 2006, c. 34, s. 15 (10).

Non-fraudulent instruments

(4.2) Nothing in subsection (4.1) invalidates the effect of a registered instrument that is not a fraudulent instrument described in that subsection, including instruments registered subsequent to such a fraudulent instrument. 2006, c. 34, s. 15 (10).

Priorities

(5) Subject to any entry to the contrary in the register and subject to this Act, instruments registered in respect of or affecting the same estate or interest in the same parcel of registered land as between themselves rank according to the order in which they are entered in the register and not according to the order in which they were created, and, despite any express, implied or constructive notice, are entitled to priority according to the time of registration. R.S.O. 1990, c. L.5, s. 78 (5).

Postponement of registered rights

(6) Upon registration of an instrument in the prescribed form, the rights of priority acquired by registration may be postponed to rights acquired or claimed under another registered instrument. R.S.O. 1990, c. L.5, s. 78 (6).

Section Amendments with date in force (d/m/y) [+]

79 REPEALED: 1998, c. 18, Sched. E, s. 132.

Section Amendments with date in force (d/m/y) [+]**Right to registration**

80 The land registrar may enter as owner of freehold or leasehold land or of a charge any person who is entitled to the land or charge through the death of the owner, although the deceased had not been registered as owner, or any person who is entitled by virtue of the exercise of a power conferred by a statute, will, deed or other instrument, whether the person so entitled claims directly from the deceased or directly under the power, or through any other person entitled by virtue of the death or power or through a succession of transfers or transmissions. R.S.O. 1990, c. L.5, s. 80.

Section Amendments with date in force (d/m/y) [+]**Land registrar may refuse registration or refrain from recording in certain cases**

81 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 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 where the part of the instrument does not, in the land registrar's opinion, affect or relate to an interest in land. R.S.O. 1990, c. L.5, s. 81; 1998, c. 18, Sched. E, s. 133.

Section Amendments with date in force (d/m/y) [+]**Registration of instruments not in prescribed form**

82 Where an instrument made in accordance with the forms in use or sufficient to pass an estate or interest in land under the *Registry Act* deals with land under this Act, the land registrar may, in his or her discretion, register it under this Act and, when so registered, it has the same effect as if made in the prescribed form. R.S.O. 1990, c. L.5, s. 82.

Section Amendments with date in force (d/m/y) [+]**Prohibitions on taking affidavits**

83 No person authorized to take affidavits shall take an affidavit,

- (a) as to the execution of an instrument to which he or she is a party; or
- (b) as to the execution of an instrument unless the witness has subscribed on the instrument the witness' name in his or her handwriting as witness. R.S.O. 1990, c. L.5, s. 83.

Registrations in languages other than English

84 Where an instrument, application or related attachment is written wholly or in part in a language other than English there shall be produced with the instrument, application or related attachment a translation into English, together with an affidavit by the translator stating that he or she understands both languages and has carefully compared the translation with the original and that the translation is in all respects a true and correct translation. R.S.O. 1990, c. L.5, s. 84.

Registration of instruments and applications in French language

85 (1) Despite section 84, where an instrument, application or related attachment is in a prescribed form, the instrument or application may be registered or deposited, if,

- (a) the instrument or application affects land in a land titles division or part thereof that is designated by regulation; and
- (b) the instrument or application is otherwise acceptable for registration or deposit. R.S.O. 1990, c. L.5, s. 85 (1).

Regulations

(2) The Minister may make regulations,

- (a) prescribing the forms of instruments, applications and related attachments for the purpose of this section;
- (b) prescribing a lexicon of French-English terms to be used in connection with the prescribed forms of instruments, applications and related attachments and deeming the corresponding forms of expression in the lexicon to have the same effect in law;
- (c) designating land titles divisions or parts thereof for the purpose of this section;
- (d) prescribing terms and conditions for the registration and deposit of instruments and applications under subsection (1);
- (e) designating any Act for the purpose of the definition of "prescribed form" in subsection (3). R.S.O. 1990, c. L.5, s. 85 (2); 1998, c. 18, Sched. E, s. 134 (1).

Note: The Lieutenant Governor in Council may by regulation revoke regulations made under subsection (2), as it read immediately before December 18, 1998, if the Minister makes a regulation under subsection (2), as amended by the Statutes of Ontario, 1998, chapter 18, Schedule E, subsection 134 (1), that is inconsistent with those regulations. See: 1998, c. 18, Sched. E, s. 134 (2).

Definitions

(3) In this section,

"instrument" includes any plan submitted for registration or deposit under this Act; ("acte")

"prescribed form" means a form prescribed by a regulation made under this section or under any Act designated by a regulation made under clause (2) (e). ("formule prescrite") R.S.O. 1990, c. L.5, s. 85 (3).

Section Amendments with date in force (d/m/y) [+]

TRANSFERS

Transfer of land

86 (1) A registered owner may transfer land or any part thereof in the prescribed manner. R.S.O. 1990, c. L.5, s. 86 (1).

Registering transferee as owner

(2) The transfer shall be completed by the land registrar entering on the register the transferee as owner of the land transferred, and the transferor shall be deemed to remain owner of the land until the registration of the transfer has been completed in accordance with this Act. R.S.O. 1990, c. L.5, s. 86 (2).

Section Amendments with date in force (d/m/y) [+]**Estate of transferee for valuable consideration of land with absolute title**

87 A transfer for valuable consideration of land registered with an absolute title, when registered, confers on the transferee an estate in fee simple in the land transferred, together with all rights, privileges and appurtenances, subject to,

- (a) the encumbrances, if any, entered or noted on the register; and
- (b) the liabilities, rights and interests, if any, as are declared for the purposes of this Act not to be encumbrances, unless the contrary is expressed on the register,

and as to such rights, privileges and appurtenances, subject also to any qualifications, limitation or encumbrance to which the same are expressed to be subject in the register, or where such rights, privileges and appurtenances are not registered, then subject to any qualification, limitation or encumbrance to which the same are subject at the time of the transfer, but free from all estates and interests whatsoever, including estates and interests of Her Majesty, that are within the legislative jurisdiction of Ontario. R.S.O. 1990, c. L.5, s. 87.

Estate of transferee for valuable consideration of land with qualified title

88 A transfer for valuable consideration of land registered with a qualified title, when registered, has the same effect as a transfer for valuable consideration of the same land registered with an absolute title, except that such transfer does not affect or prejudice the enforcement of any right or interest appearing by the register to be excepted. R.S.O. 1990, c. L.5, s. 88.

Estate of transferee for valuable consideration of land with possessory title

89 A transfer for valuable consideration of land registered with a possessory title does not affect or prejudice the enforcement of any right or interest adverse to or in derogation of the title of the first registered owner, and subsisting, or capable of arising, at the time of the first registration, but otherwise, when registered, has the same effect as a transfer for valuable consideration of the same land registered with an absolute title. R.S.O. 1990, c. L.5, s. 89.

Estate of voluntary transferee of land

90 A transfer of registered land, made without valuable consideration, is subject, so far as the transferee is concerned, to any unregistered estates, rights, interests or equities subject to which the transferor held the same, but otherwise, when registered, in all respects, and in particular as respects any registered dealings on the part of the transferee, has the same effect as a transfer of the same land for valuable consideration. R.S.O. 1990, c. L.5, s. 90.

Purchasers for value not affected by omission to send notices

91 A purchaser for valuable consideration when registered is not affected by the omission to send any notice directed to be given by this Act, or by the non-receipt thereof. R.S.O. 1990, c. L.5, s. 91.

Transfer to uses

92 (1) In this section,

“owner to uses” means a transferee registered under a transfer to uses; (“propriétaire du droit d’usage”)

“transfer to uses” means a transfer expressed to be given to such uses as the transferee may appoint by transfer, charge or will; (“cession accordant un droit d’usage”)

“unencumbered interest” means the interest that an owner to uses is capable of appointing. (“droit non grevé”) R.S.O. 1990, c. L.5, s. 92 (1).

Transfer to uses may be registered

(2) A transfer to uses may be registered. R.S.O. 1990, c. L.5, s. 92 (2).

Exercise of power of appointment

(3) An owner to uses may exercise the owner’s power of appointment by a transfer or charge in the prescribed form or by his or her will. R.S.O. 1990, c. L.5, s. 92 (3).

Charge does not exhaust power

(4) An appointment by way of charge by an owner to uses does not exhaust the owner's power of appointment. R.S.O. 1990, c. L.5, s. 92 (4).

Effect of cessation of charge

(5) Despite the registration of a cessation of a charge,

(a) that was made by way of appointment by the owner to uses; or

(b) to which the land was subject when the person became the owner to uses,

the owner to uses may exercise the owner's power of appointment as though the charge had not been made. R.S.O. 1990, c. L.5, s. 92 (5).

Effect of default of appointment

(6) An owner to uses who dies without having exercised the owner's power of appointment by transfer, charge or will shall be deemed to have appointed the land by way of transfer to himself or herself immediately before his or her death. R.S.O. 1990, c. L.5, s. 92 (6).

Idem

(7) An owner to uses who has appointed the land or a part thereof in respect of which he or she has a power of appointment by way of charge and who dies without having appointed by way of transfer or will shall be deemed to have appointed the unencumbered interest in the land by the way of transfer to himself or herself immediately before death. R.S.O. 1990, c. L.5, s. 92 (7).

Section Amendments with date in force (d/m/y) [+]**CHARGES AND ENCUMBRANCES****Charges**

93 (1) A registered owner may in the prescribed manner charge the land with the payment at an appointed time of any principal sum of money either with or without interest or as security for any other purpose and with or without a power of sale. R.S.O. 1990, c. L.5, s. 93 (1).

Statement of principal

(2) A charge that secures the payment of money shall state the amount of the principal sum that it secures. 1998, c. 18, Sched. E, s. 135 (1).

Effect of charge when registered

(3) The charge, when registered, confers upon the chargee a charge upon the interest of the chargor as appearing in the register subject to the encumbrances and qualifications to which the chargor's interest is subject, but free from any unregistered interest in the land. R.S.O. 1990, c. L.5, s. 93 (3).

Where advances under registered charge to have priority over subsequent charges

(4) A registered charge is, as against the chargor, the heirs, executors, administrators, estate trustees and assigns of the chargor and every other person claiming by, through or under the chargor, a security upon the land thereby charged to the extent of the money or money's worth actually advanced or supplied under the charge, not exceeding the amount for which the charge is expressed to be a security, although the money or money's worth, or some part thereof, was advanced or supplied after the registration of a transfer, charge or other instrument affecting the land charged, executed by the chargor, or the heirs, executors, administrators or estate trustees of the chargor and registered subsequently to the first-mentioned charge, unless, before advancing or supplying the money or money's worth, the registered owner of the first-mentioned charge had actual notice of the execution and registration of such transfer, charge or other instrument, and the registration of such transfer, charge or other instrument after the registration of the first-mentioned charge does not constitute actual notice. R.S.O. 1990, c. L.5, s. 93 (4); 1998, c. 18, Sched. E, s. 135 (2).

Bond mortgage may be registered as charge upon authorization of parties

(5) An instrument in the nature of a deed of trust and mortgage that provides for the issuance of bonds or debentures may be registered as a charge upon the lands of the grantor, and the entry in the register shall state the aggregate principal sum and the rate of interest of such bonds or debentures. R.S.O. 1990, c. L.5, s. 93 (5); 1998, c. 18, Sched. E, s. 135 (3).

(6) REPEALED: 1998, c. 18, Sched. E, s. 135 (4).

(7) REPEALED: 1998, c. 18, Sched. E, s. 135 (4).

Cessation

(8) A charge registered under subsection (5) may be discharged by a cessation in the prescribed form. R.S.O. 1990, c. L.5, s. 93 (8).

Debentures

(9) 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. R.S.O. 1990, c. L.5, s. 93 (9).

Section Amendments with date in force (d/m/y) [+]

94-98 REPEALED: 1998, c. 18, Sched. E, s. 136 (1).

Section Amendments with date in force (d/m/y) [+]

Note: Despite the repeal of sections 94 to 98, sections 94, 95, 96 and 97, as they read immediately before December 18, 1998, continue to apply to a charge of registered land that was executed before September 6, 1984, in the case of land in the County of Oxford as it existed on December 31, 1980, or before January 17, 1985, in the case of land elsewhere in Ontario. See: 1998, c. 18, Sched. E, s. 136 (2).

Remedy of owner of charge with power of sale

99 (1) Subject to the *Mortgages Act* the registered owner of a registered charge that contains a power of sale, upon registering the evidence specified by the Director of Titles, may sell and transfer the interest in the land or any part thereof that is the subject of the charge in accordance with the terms of the power in the same manner as if the registered owner of the registered charge were the registered owner of the land to the extent of such interest therein. R.S.O. 1990, c. L.5, s. 99 (1); 1998, c. 18, Sched. E, s. 137 (1).

Compliance with *Mortgages Act*

(1.1) The evidence specified by the Director of Titles under subsection (1) is conclusive evidence of compliance with Part III of the *Mortgages Act* and, where applicable, with Part II of that Act and, upon registration of a transfer under that subsection, is sufficient to give a good title to the purchaser. 1998, c. 18, Sched. E, s. 137 (2).

Effect of sale by chargee

(2) Upon the registration of a transfer under subsection (1) and upon satisfactory evidence being produced, the land registrar may delete from the register the entry of an instrument or writ appearing to rank subsequent to the charge under which the land is sold, and thereupon the interest of every person claiming under such subsequent instrument or writ ceases to affect the land. R.S.O. 1990, c. L.5, s. 99 (2).

Section Amendments with date in force (d/m/y) [+]**Dealings with registered charge**

100 No person, other than the registered owner of a registered charge, is entitled to register a transfer of the charge, but, subject to the maintenance of the right of such owner, unregistered interests in a registered charge may be created in the same manner and with the same incidents, so far as the difference of the subject-matter admits, in and with which unregistered estates and interests may be created in registered land. R.S.O. 1990, c. L.5, s. 100.

Transfer of charges

101 (1) The registered owner of a registered charge may, in the prescribed manner, transfer the charge to another person as owner. R.S.O. 1990, c. L.5, s. 101 (1).

Transfer completed by entry on register

(2) The transfer shall be completed by the land registrar entering on the register the transferee as owner of the charge transferred. R.S.O. 1990, c. L.5, s. 101 (2).

Effect of registration of transfer

(3) The transfer, when registered, confers upon the transferee the ownership of the charge free from any unregistered interests therein, and the transfer of part of the sum secured by a charge confers upon the transferee the ownership of such part free from any unregistered interests therein. R.S.O. 1990, c. L.5, s. 101 (3).

As between chargor and chargee

(4) Every transfer of a charge is subject to the state of account upon the charge between the chargor and the chargee. R.S.O. 1990, c. L.5, s. 101 (4).

Transferor deemed owner until registration

(5) The transferor shall be deemed to remain owner of the charge until registration of the transfer of charge has been completed in accordance with this Act. R.S.O. 1990, c. L.5, s. 101 (5).

Transfer of part of a charge

(6) The registered owner of a registered charge may transfer a part of the sum secured by the charge, and the part so transferred may be given priority over the remaining part, or may be deferred or may continue to rank equally with it as is stated in the transfer. R.S.O. 1990, c. L.5, s. 101 (6).

Transfer of charge may include provision to retransfer

(7) A charge of a charge shall not be registered, but a charge may be transferred subject to a provision to retransfer it to the transferor of the charge upon the payment of a sum of money either with or without interest, or upon the performance of any other condition, and, until the charge has been retransferred, the transferee of the charge shall for the purposes of this Act be deemed to be the absolute owner thereof. R.S.O. 1990, c. L.5, s. 101 (7).

Section Amendments with date in force (d/m/y) [+]**Cessation of encumbrance**

102 (1) The land registrar shall, on the requisition of the registered owner of land and on due proof of the satisfaction of a charge thereon, or may, on the requisition of the registered owner of a registered charge or of the personal representative of the registered owner of the registered charge or on the certificate of such registered owner or the personal representative of the registered owner of the satisfaction thereof, note on the register in the required manner the cessation of the charge, and thereupon the charge ceases. R.S.O. 1990, c. L.5, s. 102 (1); 1998, c. 18, Sched. E, s. 138.

Other encumbrances

(2) The land registrar may in like manner and with the like effect note the cessation of any other encumbrance. R.S.O. 1990, c. L.5, s. 102 (2).

Partial cessation of charge

(3) On the requisition or certificate of the registered owner of a registered charge or of the personal representative of such owner authorizing or certifying the discharge of any part of the land therefrom, the land registrar may note on the register the discharge of such land from the charge, and thereupon the charge ceases as to the land discharged. R.S.O. 1990, c. L.5, s. 102 (3).

Death of person certifying to cessation of charge

(4) The death of the person who signed the requisition or certificate does not revoke or otherwise affect the discharge. R.S.O. 1990, c. L.5, s. 102 (4).

Section Amendments with date in force (d/m/y) [+]**Complete or partial discharge of encumbrance existing at first registration**

103 (1) Where, upon the first registration of land, notice of an encumbrance affecting the land has been entered on the register, the land registrar, on proof to his or her satisfaction of the discharge of the encumbrance, shall note in the required manner on the register the cessation of the encumbrance and thereupon the encumbrance ceases. R.S.O. 1990, c. L.5, s. 103 (1); 1998, c. 18, Sched. E, s. 139.

Note of discharge on requisition of mortgagee

(2) On the requisition or certificate of a mortgagee whose mortgage was entered on the register on the first registration of the land, or the registered assignee thereof, or of the personal representative of such mortgagee or assignee, authorizing or certifying the discharge of the whole or a part of the land therefrom, or the discharge of the whole or a part of the money thereby secured, the land registrar may note on the register the discharge of the land from the mortgage or the discharge of the part of the money, and thereupon the encumbrance ceases as to the land or money discharged. R.S.O. 1990, c. L.5, s. 103 (2).

Death of person after signing requisition

(3) The death of the person who signed the requisition or certificate does not revoke or otherwise affect it. R.S.O. 1990, c. L.5, s. 103 (3).

Section Amendments with date in force (d/m/y) [+]**Cancellation of lien**

104 Where it appears to the satisfaction of the land registrar that a lien under the *Construction Act* or the *Mechanics' Lien Act*, being chapter 261 of the Revised Statutes of Ontario, 1980, has ceased to exist, he or she may make an entry in the register cancelling the claim, and thereupon the claim ceases to affect the land. R.S.O. 1990, c. L.5, s. 104; 1993, c. 27, Sched.; 2017, c. 24, s. 76 (1).

Section Amendments with date in force (d/m/y) [+]**LEASEHOLD INTERESTS****Transfer of leasehold land**

105 (1) A registered owner of leasehold land may, in the prescribed manner, transfer the whole of that registered owner's estate in the land or in a part thereof. R.S.O. 1990, c. L.5, s. 105 (1); 1993, c. 27, Sched.; 1998, c. 18, Sched. E, s. 140.

Transferor deemed owner until registration

(2) The transfer shall be completed by the land registrar entering on the register the transferee as owner of the leasehold land transferred and, until the registration of the transfer has been completed in accordance with this Act, the transferor shall be deemed to remain owner. R.S.O. 1990, c. L.5, s. 105 (2).

Section Amendments with date in force (d/m/y) [+]**Estate of transferee for valuable consideration of leasehold land with a declaration of absolute title of lessor**

106 A transfer for valuable consideration of leasehold land registered with a declaration that the lessor had an absolute title to grant the lease under which the land is held, when registered, vests in the transferee the land transferred for all the leasehold estate described in the registered lease relating to such land and then unexpired, with all implied or expressed rights, privileges and appurtenances, free from all estates and interests whatsoever, including any estates and interests of Her Majesty, that are within the legislative jurisdiction of Ontario, but subject to the following:

1. All implied and express covenants, obligations and liabilities incident to such estate.
2. The encumbrances, if any, entered or noted on the register.
3. The liabilities, rights and interests that affect the leasehold estate and that are by this Act declared not to be encumbrances in the case of registered freehold land unless the contrary is expressed on the register. R.S.O. 1990, c. L.5, s. 106.

Estate of transferee for valuable consideration of leasehold land without a declaration of title of lessor

107 A transfer for valuable consideration of leasehold land, registered without a declaration of the title of the lessor, does not affect the enforcement of any estate, right or interest affecting or in derogation of the title of the lessor to grant the lease under which the land is held, but otherwise, when registered, has the same effect as a transfer for valuable consideration of the same land registered with a declaration that the lessor had an absolute title to grant the lease under which the land is held. R.S.O. 1990, c. L.5, s. 107.

Estate of transferee for valuable consideration of leasehold land with a declaration of qualified title of lessor

108 A transfer for valuable consideration of leasehold land, registered with a declaration that the lessor had a qualified title to grant the lease under which the land is held, when registered, has the same effect as a transfer for valuable consideration of the same land registered with a declaration that the lessor had an absolute title to grant the lease under which the land is held, except that such transfer does not affect or prejudice the enforcement of any right or interest appearing by the register to be excepted from the effect of registration. R.S.O. 1990, c. L.5, s. 108.

Estate of voluntary transferee of leasehold land

109 A transfer of registered leasehold land made without valuable consideration is subject, so far as the transferee is concerned, to any unregistered estates, rights, interests or equities subject to which the transferor held the same, but otherwise, when registered, in all respects and in particular as respects registered dealings on the part of the transferee, has the same effect as a transfer of the same land for valuable consideration. R.S.O. 1990, c. L.5, s. 109.

110 REPEALED: 1998, c. 18, Sched. E, s. 141 (1).

Note: Despite the repeal of section 110, subsection 110 (1), as it read immediately before December 18, 1998, continues to apply to a transfer of registered leasehold land that was executed before September 6, 1984, in the case of land in the County of Oxford as it existed on December 31, 1980, or before January 17, 1985, in the case of land elsewhere in Ontario. See: 1998, c. 18, Sched. E, s. 141 (2).

Section Amendments with date in force (d/m/y) [+]**Lessee may apply for registration of notice of lease**

111 (1) A lessee or other person entitled to or interested in a lease or agreement for a lease of registered land may apply to the land registrar to register notice of the lease or agreement in the prescribed manner. R.S.O. 1990, c. L.5, s. 111 (1).

Lease by registered owner

(2) Where the lease is by the registered owner of the land, the land registrar may without notice to the registered owner enter on the register such notice thereof as the land registrar considers necessary. R.S.O. 1990, c. L.5, s. 111 (2).

Lease not by registered owner

(3) Where the lease or agreement for a lease is not by the registered owner but the registered owner's title appears to be subject thereto, the land registrar, with the concurrence of the owner, may enter notice of the lease or agreement on the register. R.S.O. 1990, c. L.5, s. 111 (3).

Documents to deliver

(4) The applicant shall deliver to the land registrar,

- (a) a notice of the lease or agreement setting out the particulars of it;
- (b) a notice accompanied by the lease or agreement; or
- (c) a notice accompanied by a notarial copy of the lease or agreement. 1998, c. 18, Sched. E, s. 142 (1).

Effect of registration

(5) When notice of a lease or an agreement for lease is registered in respect of land, every registered owner of the land and every person deriving title through the registered owner, except owners of encumbrances registered before the registration of the notice, shall be deemed to have knowledge of the document that the applicant delivered to the land registrar under subsection (4) as an encumbrance on the land. 1998, c. 18, Sched. E, s. 142 (1).

Notice of interest in lease

(6) Where notice of a lease or agreement for a lease has been registered, a notice may be registered of,

- (a) a sublease;
- (a.1) an amendment of the lease;
- (b) an assignment of the lease;
- (c) a charge of the lease;
- (d) an assignment of the lessor's interest in the lease; or
- (e) a determination of the lease. R.S.O. 1990, c. L.5, s. 111 (6); 1998, c. 18, Sched. E, s. 142 (2).

Documents to deliver

(6.1) Where a notice of an interest may be registered under subsection (6), any of the following may be registered:

- 1. A notice setting out the particulars of the interest.
- 2. A notice accompanied by the original document creating the interest.
- 3. A notice accompanied by a notarial copy of the document creating the interest. 2002, c. 18, Sched. E, s. 6 (6).

Priorities under leases

(7) Subject to paragraph 4 of subsection 44 (1) and except where the person claiming an interest under a lease or agreement for a lease of which interest a notice has been registered has actual notice of another interest under the lease or agreement for a lease or under another lease or agreement for a lease, the first-mentioned interest under the lease or under the agreement for a lease takes priority over one of which a notice has not been registered. R.S.O. 1990, c. L.5, s. 111 (7).

Section Amendments with date in force (d/m/y) [+]**Determination of lease existing at first registration**

112 The land registrar, on proof to his or her satisfaction of the determination of a lease of registered land existing at first registration, shall note on the register the determination of the lease. R.S.O. 1990, c. L.5, s. 112.

Section Amendments with date in force (d/m/y) [+]

113-117 REPEALED: 1998, c. 18, Sched. E, s. 143.

Section Amendments with date in force (d/m/y) [+]**RESTRICTIONS, ETC.****Power to place restrictions on register**

118 (1) Where the registered owner of freehold or leasehold land or of a charge desires to impose restrictions on transferring or charging the land or charge, the registered owner may apply to the land registrar to make an entry on the register that no transfer shall be made or charge created unless the following things, or such of them as the owner determines, are done:

- 1. Notice of an application for a transfer or for the creation of a charge is transmitted by registered mail to such address as the registered owner specifies to the land registrar.
- 2. The consent of some person or persons, to be named by the registered owner, is given to the transfer or the creation of a charge.
- 3. Some other matter or thing is done as is required by the registered owner and approved by the land registrar. R.S.O. 1990, c. L.5, s. 118 (1).

Land registrar to enter restrictions in register

(2) If the land registrar is satisfied of the right of the applicant to impose such restrictions, he or she shall make a note of them on the register and no transfer shall be made or charge created except in conformity therewith. R.S.O. 1990, c. L.5, s. 118 (2).

Discretion of the land registrar

(3) The land registrar is not required to enter a note of a restriction, except upon such terms as to payment of the fees and otherwise that are required, or to enter a note of a restriction that he or she considers unreasonable or calculated to cause inconvenience. R.S.O. 1990, c. L.5, s. 118 (3); 1998, c. 18, Sched. E, s. 144.

Restrictions may be withdrawn or set aside

(4) Any such restriction may at any time be withdrawn or modified at the instance of all the persons for the time being appearing by the register to be interested in the restriction, and is also subject to be set aside by the court. R.S.O. 1990, c. L.5, s. 118 (4).

Section Amendments with date in force (d/m/y) [+]**Conditions, restrictions, covenants, etc.****Registration of conditions and restrictions, on application**

119 (1) Upon the application of the owner of land that is being registered or of the registered owner of land, the land registrar may register as annexed to the land a condition or restriction that the land or a specified part thereof is not to be built upon, or is to be or is not to be used in a particular manner, or any other condition or restriction running with or capable of being legally annexed to land. R.S.O. 1990, c. L.5, s. 119 (1).

Registration of conditions, restrictions and covenants, on transfer

(2) The land registrar may register as annexed to the land a condition, restriction or covenant that is included in a transfer of registered land that the land or a specified part thereof is not to be built upon, or is to be or is not to be used in a particular manner, or any other condition, restriction or covenant running with or capable of being legally annexed to land. R.S.O. 1990, c. L.5, s. 119 (2).

Registration of covenants, on application

(3) Upon the application of the owner of land that is being registered or of the registered owner of land, the land registrar may register as annexed to the land a covenant that the land or a specified part thereof is not to be built upon, or is to be or is not to be used in a particular manner, or any other covenant running with or capable of being legally annexed to land. R.S.O. 1990, c. L.5, s. 119 (3).

Idem

(4) A covenant shall not be registered under subsection (3) unless,

- (a) the covenantor is the owner of the land to be burdened by the covenant;
- (b) the covenantee is a person other than the covenantor;
- (c) the covenantee owns land to be benefitted by the covenant and that land is mentioned in the covenant; and
- (d) the covenantor signs the application to assume the burden of the covenant. R.S.O. 1990, c. L.5, s. 119 (4).

Notice and modification or discharge of covenants

(5) The first owner and every transferee, and every other person deriving title from the first owner, shall be deemed to be affected with notice of such condition or covenant, but any such condition or covenant may be modified or discharged by order of the court on proof to the satisfaction of the court that the modification will be beneficial to the persons principally interested in the enforcement of the condition or covenant. R.S.O. 1990, c. L.5, s. 119 (5).

Covenants or conditions running with land

(6) The entry on the register of a condition or covenant as running with or annexed to land does not make it run with the land, if such covenant or condition on account of its nature, or of the manner in which it is expressed, would not otherwise be annexed to or run with the land. R.S.O. 1990, c. L.5, s. 119 (6).

Subsequent transfers

(7) Where a condition or covenant has been entered on the register as annexed to or running with land and a similar condition is contained in a subsequent transfer or a similar covenant is in express terms entered into with the owner of the land by a subsequent transferee, or vice versa, it is not necessary to repeat the condition or covenant on the register or to refer thereto, but the land registrar may, upon a special application, enter the condition or covenant either in addition to or in lieu of the condition or covenant first mentioned. R.S.O. 1990, c. L.5, s. 119 (7).

Removal of entry of condition or covenant from register

(8) Where a condition or covenant has been entered on the register as annexed to or running with land for a fixed period and the period has expired, the land registrar may, at any time after ten years from the expiration of the period, remove the entry from the register. R.S.O. 1990, c. L.5, s. 119 (8).

Condition, etc., expires after 40 years

(9) Where a condition, restriction or covenant has been registered as annexed to or running with the land and no period or date was fixed for its expiry, the condition, restriction or covenant is deemed to have expired forty years after the condition, restriction or covenant was registered, and may be deleted from the register by the land registrar. R.S.O. 1990, c. L.5, s. 119 (9).

Effect of conditions and restrictions

(10) Where a condition or restriction has been registered as annexed to land, the condition or restriction is as binding upon any person who becomes the registered owner of the land or a part thereof as if the condition or restriction had been in the form of a covenant entered into by the person who was the registered owner of the land at the time of the registration of the condition or restriction. R.S.O. 1990, c. L.5, s. 119 (10).

Exceptions

(11) The following provisions do not apply to a covenant or easement established under the *Agricultural Research Institute of Ontario Act*:

1. Clause (4) (c).
2. The rule with respect to modification and discharge of covenants in subsection (5). 1994, c. 27, s. 7.

Same

(12) The following provisions do not apply to a covenant or easement entered into or granted under the *Conservation Land Act* or under clause 10 (1) (c) or section 37 of the *Ontario Heritage Act*:

1. Clause (4) (c).
2. The rule with respect to modification and discharge of covenants in subsection (5).
3. Subsection (9). 2006, c. 23, s. 33; 2009, c. 33, Sched. 11, s. 4.

Section Amendments with date in force (d/m/y) [+]**Notice re dower**

119.1 A person entitled to an estate in dower in registered land may apply in the prescribed manner to the land registrar to register notice of such estate, and the land registrar, if satisfied of the title of such person to such estate, shall register notice of the same accordingly in the prescribed form and, when so registered, such estate is an encumbrance appearing on the register and shall be dealt with accordingly. 1993, c. 27, Sched.; 1998, c. 18, Sched. E, s. 145.

Section Amendments with date in force (d/m/y) [+]**DEATH OF REGISTERED OWNER****Transmission on death of owner of freehold land**

120 On the death of the sole registered owner or of the survivor of several joint registered owners of freehold land, such person shall be registered as owner in the place of the deceased owner or owners as may, on the application of any person interested in the land, be appointed by the land registrar, regard being had to the rights of the several persons interested in the land and in particular to the selection of any such person as for the time being appears to the land registrar to be entitled according to law to be so appointed, subject to an appeal to the Divisional Court in the prescribed manner by any person aggrieved by an order of the land registrar under this section. R.S.O. 1990, c. L.5, s. 120.

Section Amendments with date in force (d/m/y) [+]**Transmission on death of owner**

121 On the death of the sole registered owner or of the survivor of several joint registered owners of leasehold land or of a charge, the executor, administrator or estate trustee of the deceased is entitled to be registered as owner in the place of the deceased. 1998, c. 18, Sched. E, s. 146.

Section Amendments with date in force (d/m/y) [+]**Entry of representatives of deceased tenant in common**

122 Where two or more persons holding as tenants in common have been entered as owners of land or a charge and one of them dies, his or her personal representative, or such other person as is entitled to the share of the deceased, may be entered as owner with the survivor or survivors. R.S.O. 1990, c. L.5, s. 122.

Removal of name of deceased joint tenant

123 Where one of two or more persons who are registered as the owners of land as joint tenants or as the owners of a charge on a joint account with right of survivorship has died and it appears from the parcel register that the interest of the deceased owner has passed by right of survivorship to the surviving owner or owners, the land registrar may, upon receipt of an application containing the evidence specified by the Director of Titles, delete the name of the deceased owner from the parcel register. R.S.O. 1990, c. L.5, s. 123; 2000, c. 26, Sched. B, s. 12 (7).

Section Amendments with date in force (d/m/y) [+]**Evidence of transmission of registered ownership**

124 The fact of a person having become entitled to land or a charge in consequence of the death of a registered owner shall be proved in the manner specified by the Director of Titles. R.S.O. 1990, c. L.5, s. 124; 2000, c. 26, Sched. B, s. 12 (8).

Section Amendments with date in force (d/m/y) [+]**Entry of name of person beneficially entitled as owner without reference to debts**

125 Where land has been transferred to a person beneficially entitled thereto within three years after the death of the registered owner or has become vested in the person beneficially entitled thereto under the *Estates Administration Act*, the land registrar, upon application and the production of evidence specified by the Director of Titles showing that all debts of the deceased registered owner have been paid and that creditors have been notified, may,

- (a) where the person beneficially entitled is shown on the register as owner of the land and the register shows that the land is subject to the unpaid debts of the deceased registered owner, delete the reference to the unpaid debts from the register; or
 - (b) register the person beneficially entitled to the land without reference to the unpaid debts of the deceased registered owner.
- R.S.O. 1990, c. L.5, s. 125; 2000, c. 26, Sched. B, s. 12 (9).

Section Amendments with date in force (d/m/y) [+]

126 REPEALED: 2009, c. 34, Sched. T, s. 2 (2).

Section Amendments with date in force (d/m/y) [+]**Registration of devisees, etc.**

127 (1) A person claiming to be entitled to freehold or leasehold land, or to an interest in it capable of being registered, or to a charge as devisee, heir, executor, administrator or estate trustee of a person who might have been registered under section 66, or a person claiming through the person claiming to be so entitled may apply to be registered as owner of the land, interest or charge and, if no conflicting registration has been made, may be so registered subject to section 66 and this section. 1998, c. 18, Sched. E, s. 148 (1).

Mode of entry

(2) On registering the applicant, the land registrar shall, so far as practicable, enter on the register short particulars of every instrument or other title under which the right is conferred, as if such instrument had been duly presented for registration, or application for entry of transmission had been made in the proper order of time, and, as a preliminary step to the registration of the applicant, may enter an intermediate transferee, heir, executor, administrator or estate trustee as registered owner where that method is more convenient. R.S.O. 1990, c. L.5, s. 127 (2); 1998, c. 18, Sched. E, s. 148 (2).

All persons entitled must apply

(3) No application by a person claiming through or under a deceased person shall be allowed unless all the persons entitled to the whole of the estate of the deceased in the land are to be entered as owners. R.S.O. 1990, c. L.5, s. 127 (3).

Section Amendments with date in force (d/m/y) [+]**CAUTION, ETC.****Registration of caution**

128 (1) A person claiming to have an interest in registered land or in a registered charge of which the person is not the registered owner may apply to the land registrar for the registration of a caution to the effect that no dealing with the land or charge be had on the part of the registered owner or other person named in the caution without the consent of the cautioner. R.S.O. 1990, c. L.5, s. 128 (1).

Caution by registered owner

(2) Where the registered owner of freehold or leasehold land or of a charge has executed a transfer or a charge of the land or a transfer of the charge but claims that on account of special circumstances shown by affidavit the transferee or chargee should not be registered without the consent of the registered owner, the land registrar may permit the registration of a caution by the registered owner. R.S.O. 1990, c. L.5, s. 128 (2).

When no caution

(3) A person interested under a lease or agreement for a lease of which notice has been entered on the register is not entitled to register a caution in respect of the lease or agreement. R.S.O. 1990, c. L.5, s. 128 (3).

Expiry

(4) A caution registered under this section on or after June 16, 1999 ceases to have effect 60 days from the date of its registration and may not be renewed. 1998, c. 18, Sched. E, s. 149.

(5) REPEALED: 1998, c. 18, Sched. E, s. 149 (1).

Note: A caution registered under section 128 or a predecessor of that section before June 16, 1999 ceases to have effect five years from June 16, 1999, if the date that the caution ceases to have effect is not specified in the caution or by subsection 128 (4) of this Act, as it read immediately before June 16, 1999, or if there is a date specified in the caution or by subsection 128 (4) of this Act, as it read immediately before June 16, 1999, the earlier of that date and five years from the date of registration of the caution. See: 1998, c. 18, Sched. E, s. 151 (2).

Section Amendments with date in force (d/m/y) [+]**Cautions**

129 (1) After a caution has been registered, the land registrar shall not, without the consent of the cautioner, register any dealing with the land or charge against which the caution is registered. R.S.O. 1990, c. L.5, s. 129 (1).

Notice of caution

(2) After registering a caution, the cautioner shall serve a copy of the caution and a notice containing the particulars of its registration on the registered owner of the land and all other persons having an interest in the land or the charge against which the caution was registered. 1998, c. 18, Sched. E, s. 150 (1).

Application

(3) In the case of a caution registered before June 16, 1999, the registered owner of the land or any other person having an interest in the land or the charge against which the caution was registered is entitled, on application to the land registrar, to have the land registrar delete the entry of the caution from the register if the applicant has served a notice of the application on the cautioner at least 60 days before making the application. 1998, c. 18, Sched. E, s. 150 (1, 2).

(4) REPEALED: 1998, c. 18, Sched. E, s. 150 (1).

When consent of cautioner not required

(5) The consent of a cautioner is not required where the dealing proposed to be registered is under the authority of a judgment or order of the court in a proceeding to which the cautioner is a party or where such dealing is under a power of sale contained in a charge or mortgage that is prior to the title under which the cautioner claims and the cautioner has been served with a notice of the proposed exercise of the power of sale and the caution is not in respect of the exercise of the power of sale or where the dealing is of such a nature that it cannot detrimentally affect the interest of the cautioner as claimed in the affidavit filed with the caution or where the transferee, chargee or other person desiring the registration of the dealing is willing that the same should be registered subject to the continuance of the caution and the land registrar thinks fit so to register it, and, where a caution is continued, such continuance prevents further registrations of dealings by the registered owner until the consent of the cautioner is obtained, unless as in this section provided. R.S.O. 1990, c. L.5, s. 129 (5).

Dealing where caution against part of land

(6) Where a caution affects part only of the land dealt with by the transfer, charge or other instrument, the land registrar may, upon the application in writing of the person desiring registration or the person's solicitor, register the instrument as to the land not affected by the caution, and may subsequently, with the consent of the cautioner, register the dealing as to the remainder of the land dealt with by the instrument or any part thereof. R.S.O. 1990, c. L.5, s. 129 (6).

Deletion from register

(7) A land registrar shall delete the entry of a caution from the register as soon as practicable when,

- (a) the caution ceases to have effect; or
- (b) the land registrar receives a withdrawal of the caution in the prescribed form. 1998, c. 18, Sched. E, s. 150 (3).

Section Amendments with date in force (d/m/y) [+]**Second caution**

130 A second caution by the same cautioner or by any other person in respect of the same matter shall not be registered or have any effect except with the permission of the land registrar, which may be given either upon terms or without terms as the land registrar considers proper. R.S.O. 1990, c. L.5, s. 130.

Section Amendments with date in force (d/m/y) [+]**Caution to be supported by affidavit**

131 Every caution shall be supported by either an affidavit in the prescribed form or a statement in a form specified by the Director, stating the nature of the interest of the cautioner, the land to be affected by the caution and such other matters as are prescribed. R.S.O. 1990, c. L.5, s. 131; 2002, c. 18, Sched. E, s. 6 (9).

Section Amendments with date in force (d/m/y) [+]**Liability where caution improperly registered**

132 A person who registers a caution without reasonable cause is liable to make to any person who may sustain damage by its registration such compensation as is just, and the compensation shall be deemed to be a debt due from the person who has registered the caution to the person who has sustained damage. R.S.O. 1990, c. L.5, s. 132.

Limit of effect of caution

133 A caution does not prejudice the claim or title of any person and has no effect except as in this Act provided. R.S.O. 1990, c. L.5, s. 133.

134 REPEALED: 1998, c. 18, Sched. E, s. 151 (1).

Note: A caution registered under section 134 or a predecessor of that section before June 16, 1999 ceases to have effect five years from June 16, 1999, if the date that the caution ceases to have effect is not specified in the caution or by subsection 128 (4) of this Act, as it read immediately before June 16, 1999, or if there is a date specified in the caution or by subsection 128 (4) of this Act, as it read immediately before June 16, 1999, the earlier of that date and five years from the date of registration of the caution. See: 1998, c. 18, Sched. E, s. 151 (2).

Section Amendments with date in force (d/m/y) [+]

Sale of standing timber

135 (1) Where timber standing upon registered land is sold under an agreement in writing, the purchaser, instead of registering a caution, may deposit the agreement with the land registrar, and the land registrar, upon proof of the due execution thereof by the owner, shall register it as an encumbrance on the land by entering a note on the register referring to the instrument and giving shortly its effect. R.S.O. 1990, c. L.5, s. 135 (1).

Address for service

(2) When registering the agreement, the purchaser shall by memorandum endorsed thereon or annexed thereto give the purchaser's address for service. R.S.O. 1990, c. L.5, s. 135 (2).

Discharge by consent

(3) The registration of such an agreement may be vacated upon the consent in writing of the purchaser verified by an affidavit of execution. R.S.O. 1990, c. L.5, s. 135 (3).

Discharge by land registrar

(4) The registration of such an agreement may also be vacated if the purchaser fails, for the period of one month from the date of the mailing of the notice provided for in subsection (5), to satisfy the land registrar that the purchaser still has rights under the agreement. R.S.O. 1990, c. L.5, s. 135 (4).

Notice

(5) Upon proof to his or her satisfaction that the rights of the purchaser are at an end, the land registrar shall send a notice by registered mail addressed to the purchaser at the purchaser's address for service, warning the purchaser that the agreement will cease to have effect after the expiration of one month from the mailing of the notice unless good cause for its continuance is shown. R.S.O. 1990, c. L.5, s. 135 (5).

Removal of entry of timber agreement from register ten years after expiry

(6) At any time after ten years from the expiry date of an agreement or renewal thereof of which notice has been registered under this section, the land registrar may, upon application and without notice to the purchaser, delete from the register the entry of the notice of agreement or of the renewal. R.S.O. 1990, c. L.5, s. 135 (6).

Section Amendments with date in force (d/m/y) [+]

EXECUTIONS

Notice of executions

136 (1) A sheriff to whom a writ of execution, a renewal of a writ of execution or a certificate of lien under the *Bail Act* is directed shall, upon receiving from or on behalf of the judgment creditor the required fee and instructions to do the actions described in clauses (a) and (b), forthwith,

- (a) enter the writ, renewal or certificate of lien, as the case may be, in the electronic database that the sheriff maintains for writs of execution;
- (b) indicate in the electronic database that the writ, renewal or certificate of lien, as the case may be, affects land governed by this Act;
- (c) assign a number in the electronic database consecutively to each writ, renewal and certificate of lien in the order of receiving it;

- (d) note in the electronic database the date of receiving each writ, renewal and certificate of lien; and
- (e) give the land registrar of each land titles division wholly or partially within the sheriff's territorial jurisdiction access to the electronic database. 1998, c. 18, Sched. E, s. 152 (1); 2002, c. 18, Sched. E, s. 6 (10); 2009, c. 33, Sched. 2, s. 41 (5).

When land is bound

(2) No registered land is bound by any writ of execution, renewal or certificate of lien mentioned in subsection (1) until the sheriff has complied with that subsection. 1998, c. 18, Sched. E, s. 152 (1).

Transfer void

(3) No sale or transfer under a writ of execution or certificate of lien mentioned in subsection (1) is valid as against a person purchasing for valuable consideration before the sheriff has complied with that subsection, although the purchaser may have had notice of the writ or certificate of lien, as the case may be. 1998, c. 18, Sched. E, s. 152 (1).

(4) REPEALED: 1998, c. 18, Sched. E, s. 152 (1).

(5) REPEALED: 1998, c. 18, Sched. E, s. 152 (1).

Different name on writ

(6) A writ of execution or certificate of lien mentioned in subsection (1) has no effect under this Act if it is issued against the registered owner under a different name from that under which the owner is registered. 1998, c. 18, Sched. E, s. 152 (2).

Where writ not binding

(7) A writ of execution, renewal or certificate of lien mentioned in subsection (1) does not bind land being transferred or charged as against the transferee or chargee if the land registrar,

- (a) decides that the name of the execution debtor appearing in the writ, renewal or certificate of lien, as the case may be, and the name of the registered owner as it appears in the records of the land registry office of the land registrar do not represent the same person; and
- (b) does one of the following:
 - 1. Issues a certificate to the effect that the land registrar has made the decision described in clause (a).
 - 2. In the case of a transfer, registers the transfer free of the writ, renewal or certificate of lien, as the case may be. 1998, c. 18, Sched. E, s. 152 (2).

No additional fee

(8) No additional fee is payable to the sheriff or to the land registrar in respect of a certificate under section 12 of the *Execution Act*. R.S.O. 1990, c. L.5, s. 136 (8).

(9) REPEALED: 1998, c. 18, Sched. E, s. 152 (3).

Section Amendments with date in force (d/m/y) [+]**Procedure when claimed writ not binding**

137 Where a person applies for registration of an instrument and claims that a writ apparently affecting land does not affect the land or a charge thereon, the person shall produce such evidence thereof as the land registrar considers necessary, and the land registrar may require all parties interested to be notified of the application and may himself or herself decide the question or may direct an issue to be tried or a case to be stated and may make such order as to costs as the land registrar considers just. R.S.O. 1990, c. L.5, s. 137.

Section Amendments with date in force (d/m/y) [+]**Seizure ineffectual until certificate by sheriff**

138 (1) The seizure under execution or other process of a mortgage or charge or of leasehold land registered under this Act does not take effect until a certificate of the sheriff or other officer that he or she has taken the mortgage, charge or leasehold land under such process against the registered owner thereof is lodged with the land registrar. R.S.O. 1990, c. L.5, s. 138 (1).

Contents of certificate

(2) The certificate shall state the number of the parcel under which the land affected is registered and the name of the owner and shall be entered by the land registrar in the register. R.S.O. 1990, c. L.5, s. 138 (2).

Application of section

(3) This section does not apply where the steps prescribed by section 23 of the *Execution Act* have been taken with respect to a mortgage or charge. R.S.O. 1990, c. L.5, s. 138 (3); 1993, c. 27, Sched.

Section Amendments with date in force (d/m/y) [+]**TRUSTEE ACT, APPLICABILITY****Application of *Trustee Act***

139 All the provisions of the *Trustee Act* that are not inconsistent with the provisions of this Act apply to land and charges registered under this Act, but this enactment does not prejudice the applicability to such land and charges of any provisions of that Act relating to land or choses in action. R.S.O. 1990, c. L.5, s. 139.

**PART VIII
DESCRIPTIONS OF LAND AND REGISTERED PLANS**

How land to be described

140 (1) Registered land shall be described in such manner as the land registrar considers is best calculated to secure accuracy. R.S.O. 1990, c. L.5, s. 140 (1).

Description not conclusive

(2) The description of registered land is not conclusive as to the boundaries or extent of the land. R.S.O. 1990, c. L.5, s. 140 (2).

Section Amendments with date in force (d/m/y) [+]**Part II of *Land Registration Reform Act***

141 (1) This section applies only to land in the parts of Ontario designated under Part II of the *Land Registration Reform Act*. R.S.O. 1990, c. L.5, s. 141 (1).

Properties and property identifiers

(2) The Director of Titles shall, in the required manner, divide into blocks and properties any land that is designated under Part II of the *Land Registration Reform Act* and assign property identifiers to those properties. R.S.O. 1990, c. L.5, s. 141 (2); 1998, c. 18, Sched. E, s. 153 (1); 2000, c. 26, Sched. B, s. 12 (10).

Property maps

(3) The Director of Titles shall, in the required manner, prepare property maps showing all properties and prepare all other maps as are required. 1998, c. 18, Sched. E, s. 153 (2); 2000, c. 26, Sched. B, s. 12 (11).

Idem

(4) The land registrar shall maintain property maps in the required manner and shall assign property identifiers to properties when and in the manner specified by the Director of Titles. R.S.O. 1990, c. L.5, s. 141 (4); 1998, c. 18, Sched. E, s. 153 (3); 2000, c. 26, Sched. B, s. 12 (11).

Parcel register

(5) The land registrar shall, in the required 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. R.S.O. 1990, c. L.5, s. 141 (5); 1998, c. 18, Sched. E, s. 153 (4).

Other indexes and records

(6) The land registrar shall, in the required manner, maintain all other indexes and records as are required. 1998, c. 18, Sched. E, s. 153 (5).

Entry of earlier instruments

(7) The Director of Titles may direct the land registrar to enter, in the required 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 Titles, in the parcel register under the property identifiers for the properties affected by the instruments. R.S.O. 1990, c. L.5, s. 141 (7); 1993, c. 27, Sched.; 1998, c. 18, Sched. E, s. 153 (6); 2000, c. 26, Sched. B, s. 12 (10).

Section Amendments with date in force (d/m/y) [+]**Where description required**

142 (1) REPEALED: 1998, c. 18, Sched. E, s. 154 (1).

Brief description and property identifier, etc.

(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 141 (2) or (4) to the property it affects. R.S.O. 1990, c. L.5, s. 142 (2).

Exceptions

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

- (a) a plan; or
- (b) one of a specified class of instruments. R.S.O. 1990, c. L.5, s. 142 (3); 1998, c. 18, Sched. E, s. 154 (2).

Idem

(4) Clauses (2) (b) and (c) do not apply to an instrument that is a discharge of charge purporting to discharge a charge completely. R.S.O. 1990, c. L.5, s. 142 (4).

Section Amendments with date in force (d/m/y) [+]**Alteration of registered description of land**

143 No alteration shall be made in the registered description of land, except under an order of the court or under subsection 57 (13), subsection 145 (6) or section 158 or 161 or by way of explanation, but this section does not extend to registered dealings with registered land in separate parcels, although the land was originally registered as one parcel. R.S.O. 1990, c. L.5, s. 143.

Compulsory registration

144 (1) Except as provided by subsection (2), where land described in a description as defined in the *Condominium Act, 1998* or shown on a plan of subdivision is situate in a land titles division, the description along with the appropriate declaration or the plan of subdivision, as the case may be, shall be registered under this Act with an absolute title. R.S.O. 1990, c. L.5, s. 144 (1); 2004, c. 19, s. 13 (2); 2009, c. 33, Sched. 17, s. 5 (17).

Exception to subs. (1)

(2) A plan of subdivision may be registered under the *Registry Act* where,

- (a) the plan is presented and accepted for registration within six months after the operation of this Act was extended to the area in which the land is situate;
- (b) the registration under this Act of the land included in the plan would, in the opinion of the Director of Titles, result in an unreasonable delay in the registration of the plan; or
- (c) a regulation made under subsection (3) applies to the land shown on the plan. R.S.O. 1990, c. L.5, s. 144 (2).

Exception by regulation

(3) The Minister may make regulations designating such land titles divisions, or parts thereof, as are specified in the regulations as areas within which subsection (1) does not apply and such designation may be limited to a specified period or may expire on a specified date. R.S.O. 1990, c. L.5, s. 144 (3); 1998, c. 18, Sched. E, s. 155.

Section Amendments with date in force (d/m/y) [+]**Plans**

145 (1) Every plan submitted for registration or for deposit shall be prepared in accordance with the regulations. R.S.O. 1990, c. L.5, s. 145 (1).

Subdivision plans to be registered

(2) Where land is being subdivided for the purpose of being sold or conveyed in lots, the person making the subdivision shall register in the proper land titles office a plan of the land prepared by an Ontario land surveyor. R.S.O. 1990, c. L.5, s. 145 (2).

Signature to be affixed to plan

(3) The person by whom or on whose behalf a plan is registered shall sign the plan. R.S.O. 1990, c. L.5, s. 145 (3).

Additional information

(4) The land registrar, before accepting a plan for registration, may require evidence to be given him or her explaining any seeming discrepancy between the measurements on the plan and the description of the land in the register, or the land registrar may require evidence to be given respecting any other matter of which he or she requires explanation. R.S.O. 1990, c. L.5, s. 145 (4).

True copy of plan

(5) The Director of Titles may direct that a true copy of a plan or a part of a plan registered or deposited in a land registry office for a land titles division be made under the direction of the examiner of surveys, who shall certify thereon that it is a true copy of the plan or of a part of a plan, as the case may be, and the copy so made and certified has all the force and effect of the plan or of that part of the plan of which it is a copy. R.S.O. 1990, c. L.5, s. 145 (5).

Correction of plan

(6) An error, defect or omission in a registered or deposited plan may be corrected in accordance with the regulations. R.S.O. 1990, c. L.5, s. 145 (6).

Section Amendments with date in force (d/m/y) [+]**Orders**

146 Section 88 of the *Registry Act* applies with necessary modifications to land registered under this Act. R.S.O. 1990, c. L.5, s. 146.

Composite plan

147 (1) Where land has been or is granted by the Crown under the *Public Lands Act* and a plan of subdivision of the land has not been registered, an application on behalf of the Minister of Natural Resources may be made to the land registrar to register a composite plan showing the land, and the boundaries of the lots or blocks shown thereon shall be deemed to be the true boundaries of the lots or blocks. R.S.O. 1990, c. L.5, s. 147 (1).

Idem

(2) Every composite plan shall conform as nearly as may be to a plan of subdivision under section 145 except that it shall be signed by the Surveyor General or his or her deputy on behalf of all persons having an interest in the land shown thereon. R.S.O. 1990, c. L.5, s. 147 (2).

Subsequent severance

(3) A subsequent severance from land shown on a plan registered under subsection (1) may be delineated by an Ontario land surveyor upon a duplicate of the plan so registered. R.S.O. 1990, c. L.5, s. 147 (3).

Section Amendments with date in force (d/m/y) [+]

148 REPEALED: 2002, c. 18, Sched. E, s. 6 (11).

Section Amendments with date in force (d/m/y) [+]**Survey of township subsequent to grant from Crown**

149 (1) Where land in an unsurveyed township in a territorial district has been or is granted by the Crown and the land is subsequently surveyed and laid out into lots and concessions in whole or in part, the survey shall be made in accordance with the provisions of the *Surveys Act* as made applicable by the terms of the patent or order in council granting the land, and the plan of survey shall be registered in the proper land registry office. R.S.O. 1990, c. L.5, s. 149 (1).

Requirements as to plan

(2) Such plan shall be prepared as nearly as may be in accordance with section 145. R.S.O. 1990, c. L.5, s. 149 (2).

Reference plan required in certain cases

150 (1) A transfer or charge of freehold or leasehold land shall not be registered unless a plan of the land prepared by an Ontario land surveyor, to be known as a reference plan, has been deposited for record in the land registry office. R.S.O. 1990, c. L.5, s. 150 (1).

Saving

(2) Subsection (1) does not apply to a transfer or charge,

- (a) of the whole of a registered parcel of land according to the parcel register;
- (b) of the whole of a lot, block, street, lane, reserve or common according to a registered plan of subdivision or composite plan;
or
- (c) of the whole of a part according to a previously recorded reference plan of survey. R.S.O. 1990, c. L.5, s. 150 (2).

Idem

(3) The land registrar, having regard to the circumstances, may order that subsection (1) does not apply in the case of a transfer or charge mentioned in the order. R.S.O. 1990, c. L.5, s. 150 (3).

Boundaries

(4) New boundaries that are created by a severance shown on a reference plan and referred to or incorporated by reference in a registered instrument signed by the registered owner of the land shall be deemed to be true and unalterable boundaries and to be defined by the monuments shown thereon, but such monuments do not change or alter the position of any previously established boundary or prejudice prior registered rights or interests. R.S.O. 1990, c. L.5, s. 150 (4).

Section Amendments with date in force (d/m/y) [+]**Plan of street, road, lane, or common**

151 (1) Where a plan of subdivision lays out a part of the land as a street, road, lane or common, it shall not be registered except on the application of the owner of the land subdivided with the consent in writing of all persons who are registered as mortgagees or chargees thereof. R.S.O. 1990, c. L.5, s. 151 (1).

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. R.S.O. 1990, c. L.5, s. 151 (2).

Claim under *Family Law Act*

(3) Land dedicated by its owner for a street or public highway is not subject to any claim under Part II of the *Family Law Act* by the spouse of the person by whom it was dedicated. R.S.O. 1990, c. L.5, s. 151 (3); 1993, c. 27, Sched.

Section Amendments with date in force (d/m/y) [+]**Entry on register of municipal corporation as owner of streets laid out on plan**

152 (1) Where a street, road or lane laid out on a plan registered in a land registry office has become a public highway and has thereby become vested in a municipal corporation, the municipal corporation may apply to the land registrar to be entered as the owner thereof. R.S.O. 1990, c. L.5, s. 152 (1).

Entry as owner of transferee from a municipal corporation of closed-up highway

(2) Where a highway or part of it has been closed by the action of a municipal council and the highway or part of it has been transferred by the municipal corporation without the municipal corporation having been entered as owner of it, the transferee may apply to be entered as owner of the highway or part of it transferred to the transferee and, upon due proof of the facts, the land registrar may enter such transferee as owner. R.S.O. 1990, c. L.5, s. 152 (2).

Section Amendments with date in force (d/m/y) [+]**Application of *Planning Act***

153 (1) No plan of survey or subdivision to which the *Planning Act* applies shall be registered unless approved under that Act. R.S.O. 1990, c. L.5, s. 153 (1).

Idem

(2) Composite plans registered under section 147 are not subject to the provisions of the *Planning Act* with respect to approval thereof. R.S.O. 1990, c. L.5, s. 153 (2).

Amendment of plan

154 A registered plan shall not be amended except under subsection 145 (6) or under section 146. R.S.O. 1990, c. L.5, s. 154.

**PART IX
FRAUD****Fraudulent dispositions**

155 Subject to this Act, a fraudulent instrument that, if unregistered, would be fraudulent and void is, despite registration, fraudulent and void in like manner. 2006, c. 34, s. 15 (11).

Section Amendments with date in force (d/m/y) [+]**Offences**

156 (1) A person is guilty of an offence if the person fraudulently procures or attempts to fraudulently procure a fraudulent entry on the register, an erasure or deletion from the register or an alteration of the register. 2006, c. 34, s. 15 (11).

Penalty

(2) A person who is convicted of an offence under this section is liable to,

- (a) a fine of not more than \$50,000 or imprisonment for a term of not more than two years less a day, or both, if the person is an individual; and
- (b) a fine of not more than \$250,000, if the person is a corporation. 2006, c. 34, s. 15 (11).

Order for compensation or restitution

(3) If a person is convicted of an offence under this section, the court making the conviction may, in addition to any other penalty, order the person convicted to pay compensation or to make restitution. 2006, c. 34, s. 15 (11).

Limitation

(4) No proceeding under this section shall be commenced more than six years after the facts upon which the proceeding is based first came to the knowledge of the Director of Titles. 2006, c. 34, s. 15 (11).

Evidence

(5) A statement as to the time when the facts on which the proceeding is based first came to the knowledge of the Director of Titles, that purports to be certified by the Director, is, without proof of the Director's office or signature, admissible in evidence in any proceeding as proof, in the absence of evidence to the contrary, of the facts stated in it. 2006, c. 34, s. 15 (11).

Section Amendments with date in force (d/m/y) [+]**Cancellation of fraudulent entries**

157 (1) Upon the conviction under this Act or under the criminal law of Canada of a person for an offence whereby the person fraudulently procured an entry on the register by reason of which any person other than the rightful owner has become the registered owner of land, or by reason of which land under this Act has been wrongfully encumbered, the land registrar, on the application of the rightful owner, may cancel the wrongful entry and may enter the rightful owner as the registered owner of the land. R.S.O. 1990, c. L.5, s. 157 (1).

(2) REPEALED: 2009, c. 33, Sched. 17, s. 5 (18).

Application of section

(3) This section applies to past as well as future cases. R.S.O. 1990, c. L.5, s. 157 (3).

Section Amendments with date in force (d/m/y) [+]

**PART X
RECTIFICATION OF THE REGISTER**

Errors**Entry of caution by land registrar in case of error**

158 (1) The land registrar may of his or her own accord and without affidavit enter a caution to prevent the dealing with registered land if it appears to the land registrar that an error has been made in an entry by misdescription of the land or otherwise. R.S.O. 1990, c. L.5, s. 158 (1).

Caution in case of fraud

(1.1) If it appears to the land registrar that a registration may be fraudulent, the land registrar may of his or her own accord and without affidavit enter a caution to prevent dealing with the registered land. 2002, c. 18, Sched. E, s. 6 (12).

Hearing

(1.2) If the land registrar has entered a caution under subsection (1) or (1.1), the Director of Titles may hold a hearing before making any correction under subsection (2), and section 10 applies to the hearing. 2009, c. 33, Sched. 17, s. 5 (19).

Correction of errors

(2) Subject to the regulations, before receiving any conflicting instruments or after notifying all persons interested, the land registrar may correct errors and supply omissions in the register, or in an entry in it, upon the evidence that appears sufficient to the land registrar. 1998, c. 18, Sched. E, s. 156.

Restoration of covenants or conditions and compensation therefor

(3) Where the land registrar restores to the register any covenant or condition, the land registrar may do so with such modifications as he or she considers advisable so as to do the least possible injury to any person affected by its omission or restoration, and, upon notice to the Minister, at the same time or subsequently, may determine what damages, if any, shall be paid to any person claiming to have been injuriously affected by the omission or restoration of the covenant or condition. R.S.O. 1990, c. L.5, s. 158 (3).

Section Amendments with date in force (d/m/y) [+]**Court may order rectification**

159 Subject to any estates or rights acquired by registration under this Act, where a court of competent jurisdiction has decided that a person is entitled to an estate, right or interest in or to registered land or a charge and as a consequence of the decision the court is of opinion that a rectification of the register is required, the court may make an order directing the register to be rectified in such manner as is considered just. R.S.O. 1990, c. L.5, s. 159.

Application to court to rectify

160 Subject to any estates or rights acquired by registration under this Act, if a person is aggrieved by an entry made, or by the omission of an entry from the register, or if default is made or unnecessary delay takes place in making an entry in the register, the person aggrieved by the entry, omission, default or delay may apply to the court for an order that the register be rectified, and the court may either refuse the application with or without costs to be paid by the applicant or may, if satisfied of the justice of the case, make an order for the rectification of the register. R.S.O. 1990, c. L.5, s. 160; 2012, c. 8, Sched. 28, s. 88.

Section Amendments with date in force (d/m/y) [+]**Correction of errors in patents after registration**

161 Where land has been registered under this Act and the Minister of Natural Resources under the *Public Lands Act* directs an incorrect patent to be cancelled and a correct patent to be issued in its stead, the land registrar, upon receipt of the correct patent, if no conflicting instrument has been received, shall amend the entry on the register to accord with the correct patent or, where a conflicting instrument has been received, the land registrar, after notifying all persons interested, may make such amendment. R.S.O. 1990, c. L.5, s. 161.

Section Amendments with date in force (d/m/y) [+]**Deletion from register of reservations, etc., in letters patent**

162 (1) Upon receiving a certificate of the Minister of Natural Resources or the Deputy Minister of Natural Resources,

- (a) that a reservation of any class or kind of tree in letters patent to registered land is void;
- (b) that a reservation of mines or minerals in letters patent to registered land issued before the 6th day of May, 1913, is void; or
- (c) that a condition, proviso or reservation in letters patent to registered land, other than a reservation of any class or kind of tree or of mines or minerals is void,

the land registrar shall delete the reservation, condition or proviso from the register without application therefor. R.S.O. 1990, c. L.5, s. 162 (1).

Transfer, charge, etc., of mines and minerals reserved

(2) Where an owner or former owner has attempted to transfer, charge or otherwise convey any mines or minerals reserved in letters patent to registered land issued before the 6th day of May, 1913, upon receiving a certificate of the Minister of Natural Resources or Deputy Minister of Natural Resources that the reservation in the letters patent is void by statute, the land registrar shall make all proper entries to define the interests of those appearing to be entitled to the mines or minerals. R.S.O. 1990, c. L.5, s. 162 (2).

Claims against Assurance Fund

(3) No claim shall be sustained against the Assurance Fund respecting any right arising from any conveyance of mines or minerals reserved in letters patent issued before the 6th day of May, 1913. R.S.O. 1990, c. L.5, s. 162 (3).

Section Amendments with date in force (d/m/y) [+]**PART XI
REGULATIONS AND PROCEDURE****Regulations**

163 (0.1) The Lieutenant Governor in Council may make regulations governing the publication of information, including personal information as defined in the *Freedom of Information and Protection of Privacy Act*, regarding fraud or suspected fraud in the land titles system. 2006, c. 34, s. 15 (12).

Disclosure permitted

(0.2) Any information published under the authority of a regulation made under subsection (0.1) is deemed to have been disclosed in compliance with clause 42 (1) (e) of the *Freedom of Information and Protection of Privacy Act*. 2006, c. 34, s. 15 (12).

Minister's regulations

(1) The Minister may make regulations,

1. prescribing any matter, other than forms, that this Act directs or authorizes to be prescribed;
2. governing the precautions to be taken, the instruments to be used, the notices to be given, and the evidence to be adduced in all proceedings under this Act or in connection with registrations under this Act, other than registrations under section 32 or 99 and proceedings under section 46;
3. requiring the information in connection with any form, evidence or procedure under this Act to be verified by affidavit, declaration or statement;
4. governing standards and procedure for surveys and plans of registered land;
5. governing the assessment of costs and the persons by whom the costs are to be paid;
6. specifying the costs that solicitors may charge the Minister in registering land or for any matter incidental to or consequential on the registration of land or for any other matter required to be done for the purpose of carrying out this Act;
7. requiring that the costs mentioned in paragraph 6 be payable by commission, percentage or otherwise, and bear a certain proportion to the value of the land registered or be determined on such other principle as is expedient;
8. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act, other than matters mentioned in subsection (2) and section 18 or 163.1. 1998, c. 18, Sched. E, s. 157 (1).

Director's regulations

(2) The Director of Titles may make regulations prescribing forms and providing for their use. 1998, c. 18, Sched. E, s. 157 (1); 2000, c. 26, Sched. B, s. 12 (12).

Note: Regulations made under clause 163 (1) (a), (c), (e), (f), (g) or (i) or clause 163 (2) (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o) or (p), as those clauses read immediately before December 18, 1998, continue until the Minister makes an order under section 163.1, as enacted by the Statutes of Ontario, 1998, chapter 18, Schedule E, subsection 157 (1), that is inconsistent with those regulations. See: 1998, c. 18, Sched. E, s. 157 (2).

Note: The Lieutenant Governor in Council may by regulation revoke regulations made under clause 163 (1) (a), (c), (e), (f), (g) or (i) or clause 163 (2) (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o) or (p), as those clauses read immediately before December 18, 1998, if the Minister makes an order under section 163.1, as enacted by the Statutes of Ontario, 1998, chapter 18, Schedule E, subsection 157 (1), that is inconsistent with those regulations. See: 1998, c. 18, Sched. E, s. 157 (3).

Note: The Lieutenant Governor in Council may by regulation revoke regulations made under clause 163 (1) (b), (d), (h), (j), (k) or (l), as those clauses read immediately before December 18, 1998, if the Minister makes a regulation under subsection 163 (1), as re-enacted by the Statutes of Ontario, 1998, chapter 18, Schedule E, subsection 157 (1), that is inconsistent with those regulations, the Director of Land Registration makes a regulation under subsection 163 (2), as re-enacted by the Statutes of Ontario, 1998, chapter 18, Schedule E, subsection 157 (1), that is inconsistent with those

regulations or the Director makes a regulation under subsection 163 (2), as amended by subsection 12 (12) of Schedule B to the *Red Tape Reduction Act, 2000*, that is inconsistent with those regulations. See: 1998, c. 18, Sched. E, s. 157 (4); 2000, c. 26, Sched. B, s. 12 (15).

Section Amendments with date in force (d/m/y) [+]

Orders

163.1 (1) The Minister may make orders,

1. specifying the functions of land registrars relating to the first registration of land under this Act, and specifying which of the functions shall be performed by the Director of Titles or the Director of Land Registration;
2. specifying the duties that are to be performed by the Director of Titles, the land registrar and other officers, and the duties of the Director of Titles and of the land registrars that may be performed by other officers;
3. specifying the manner in which land is to be divided into blocks and properties;
4. specifying the manner in which property maps and other maps are to be prepared and maintained, and specifying those other maps;
5. specifying the manner in which property identifiers are to be assigned;
6. specifying the manner in which the abstract index is to be created and maintained;
7. specifying other indexes and records and the manner in which they are to be maintained for the purpose of subsection 141 (6);
8. specifying the manner in which instruments are to be entered for the purpose of subsection 141 (7);
9. specifying classes of instruments for the purpose of clause 142 (3) (b);
10. specifying the form and manner in which entries in the records of land registry offices are to be made;
11. specifying the manner in which instruments and entries in the register are to be certified at registration;
12. governing the mode in which the register is to be made and kept;
13. governing the mode in which any special register is to be made and kept;
14. specifying methods and standards for computer entry, storage and retrieval of information;
15. governing the custody, disposition and destruction of instruments and records of land registry offices;
16. specifying the manner in which instruments, books, public records and facsimiles of them are to be produced for inspection;
17. specifying the manner in which copies of instruments, books and public records are to be produced and certified;
18. 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* be produced at specified times and specifying the times at which they are to be produced;
19. specifying the amounts of the fees payable under this Act or a method for determining them and may consider,
 - (i) in the case of the registration of land or of a transfer of land on the occasion of a sale, the value of the land as determined by the amount of purchase money or the value of it to be ascertained in the manner specified in the order,
 - (ii) in the case of registration of a charge or of a transfer of a charge, the amount of the charge;
20. specifying 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 specifying classes of fees for that purpose;
21. specifying 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;
22. 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;
23. governing the amalgamation of the Funds mentioned in section 54;

24. specifying the terms or conditions on which documents, instruments, books or public records are made available under this Act. 1998, c. 18, Sched. E, s. 157 (1); 2002, c. 18, Sched. E, s. 6 (13); 2010, c. 1, Sched. 6, s. 10.

Director's orders

(1.1) The Director of Titles may make orders,

- (a) specifying evidence for the purposes of clause 57 (13) (b); or
- (b) specifying what constitutes the requisite due diligence for the purposes of clause 57 (4) (b) or (4.1) (b). 2006, c. 34, s. 15 (13).

Not regulations

(2) An order made by the Minister under subsection (1) or by the Director of Titles under subsection (1.1) is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 1998, c. 18, Sched. E, s. 157 (1); 2006, c. 21, Sched. F, s. 136 (1); 2006, c. 34, s. 15 (14).

Section Amendments with date in force (d/m/y) [+]**Scope of regulations and orders**

163.2 The application of any provision of a regulation made under section 163 or an order made under section 163.1 may be limited to one or more land titles divisions or one or more part or parts of a land titles division or divisions. 1998, c. 18, Sched. E, s. 157 (1).

Section Amendments with date in force (d/m/y) [+]**Integration of lands titles and registry records and procedures**

164 The provisions of this Act respecting the procedures and records in land registry offices for land titles divisions are subject to any regulation made under paragraph 7 of subsection 102 (1) of the *Registry Act* or section 103 of that Act. R.S.O. 1990, c. L.5, s. 164; 1998, c. 18, Sched. E, s. 158.

Section Amendments with date in force (d/m/y) [+]**Ownership of registered documents**

165. (1) Every registered instrument and deposited or registered plan is the property of the Crown and shall be retained in the manner specified by the Director. 2012, c. 8, Sched. 28, s. 93.

Production of documents

(2) Instruments, documents, books, records or a facsimile of them shall be produced for inspection and copying and certified copies of them shall be provided upon payment of the required fee and in the manner specified by the Director. 2012, c. 8, Sched. 28, s. 93.

Hours and days

(3) The Director may specify minimum hours and days for the purposes of subsection (2). 2012, c. 8, Sched. 28, s. 93.

Section Amendments with date in force (d/m/y) [+]**Computer printout, etc., admissible in evidence**

166 (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. R.S.O. 1990, c. L.5, s. 166 (1).

Idem

(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. R.S.O. 1990, c. L.5, s. 166 (2).

Penalty for altering or removing records

167 (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. R.S.O. 1990, c. L.5, s. 167 (1).

When limitation period starts to run

(2) For the purpose of determining the last day to prosecute, the limitation period in respect of an offence under subsection (1) shall start at the time that offence is first discovered by the land registrar. R.S.O. 1990, c. L.5, s. 167 (2).

Application

(3) This section does not apply to alterations to a record made by direct electronic transmission under Part III of the *Land Registration Reform Act*. 1994, c. 27, s. 86 (2).

Section Amendments with date in force (d/m/y) [+]

168 REPEALED: 1998, c. 18, Sched. E, s. 160.

Section Amendments with date in force (d/m/y) [+]**Procedures not void for want of form**

169 No application, order, affidavit, certificate, registration or other procedure is invalid by reason of any mistake not affecting the substantial justice of the matter. R.S.O. 1990, c. L.5, s. 169.

Payment of costs

170 (1) Unless the Director of Titles makes an order under subsection (2), an applicant under this Act is liable to pay all costs, charges and expenses incurred by or in consequence of the applicant's application, except if parties whose rights are sufficiently secured without their appearance object or if any costs, charges or expenses are incurred unnecessarily or improperly. 2009, c. 33, Sched. 17, s. 5 (20).

Scale of costs

(2) The Director of Titles may order costs, either as between party and party or as between solicitor and client, to be paid by or to any person who is a party to a proceeding under this Act, and may give directions as to the fund out of which the costs shall be paid, regard being had to subsection (1). R.S.O. 1990, c. L.5, s. 170 (2); 2009, c. 33, Sched. 17, s. 5 (21).

Appeal from Director of Titles' order

(3) Any person aggrieved by an order of the Director of Titles made under this section may appeal to the Divisional Court, which may annul or, with or without modification, confirm the order. R.S.O. 1990, c. L.5, s. 170 (3); 2009, c. 33, Sched. 17, s. 5 (21).

Enforcement of order

(4) If a person disobeys an order of the Director of Titles made under this section, the Director of Titles may certify the disobedience to the court and, subject to the right of appeal, the certified order may be enforced as if it were an order of the court. 2009, c. 33, Sched. 17, s. 5 (22).

Costs of application by trustee, etc.

(5) The amount of all costs, charges and expenses properly incurred by a trustee, mortgagee or other person having a power of selling land of and incidental to an application to be registered shall be ascertained and declared by the land registrar, and shall be deemed to be costs, charges and expenses properly incurred by that person in the execution of the trust or in pursuance of the power, and the person may retain or reimburse the same to the person out of any money coming to the person under the trust or power, and the person is not liable to an account in respect thereof. R.S.O. 1990, c. L.5, s. 170 (5).

Section Amendments with date in force (d/m/y) [+]**Application to withdraw registered land**

171 (1) Where after land has been registered special circumstances appear or subsequently arise that make it inexpedient that the land should continue under this Act, the owner may apply in the prescribed manner to the land registrar for the withdrawal of the land from the Act. R.S.O. 1990, c. L.5, s. 171 (1).

Certificate by land registrar

(2) If the owner proves before the land registrar that all persons interested in the land proposed to be withdrawn consent to its withdrawal and satisfies the land registrar that special circumstances exist that render the withdrawal of the land or a part thereof expedient, the land registrar may issue a certificate describing the land or such part thereof as the consent covers and as the land registrar considers proper in such a manner that the certificate can be properly registered in the registry office for the registry division in which the land is situate, and upon the certificate being issued this Act ceases to apply to the land described therein, and the land thereafter is subject to the ordinary laws relating to real estate and to the *Registry Act*. R.S.O. 1990, c. L.5, s. 171 (2).

Certificate to be countersigned by Director

(3) The certificate of the land registrar under this section is not valid unless approved and countersigned by the Director of Titles. R.S.O. 1990, c. L.5, s. 171 (3).

Application of section

(4) This section does not apply to land registered under section 33. R.S.O. 1990, c. L.5, s. 171 (4).

Section Amendments with date in force (d/m/y) [+]**Withdrawal of land by Director**

172 (1) The Director of Titles may withdraw land from this Act if, in the Director's opinion, special circumstances appear or subsequently arise that make it inexpedient that the land should continue under this Act. 2000, c. 26, Sched. B, s. 12 (13).

Notice

(2) The Director of Titles shall notify all persons having a registered interest in the land of the withdrawal. 2000, c. 26, Sched. B, s. 12 (13).

Section Amendments with date in force (d/m/y) [+]

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