

# Agency Profile

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## **Mandate**

*The Registry's main function is to maintain land records and provide reliable information of financial interests in personal property to the public.*

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### HISTORICAL PERSPECTIVE

#### Land Titles

The Land Titles Office of The Property Registry administers the provincial systems of landholding in accordance with *The Real Property Act*, *The Registry Act* and other related *Acts*, and maintains the written and drawn legal descriptions (“survey fabric”) of all land in the Province of Manitoba.

*The Registry Act* was one of the first statutes passed after Manitoba became a province in 1870. Under this “Old” System, the Land Titles Office does not issue or guarantee title, but merely maintains a register (“abstract”) showing the particulars of documents (“instruments”) on file that affect a piece of land. Ownership is transferred by way of deed. On a sale, the purchaser must examine not only the deed, but also every conveyance and instrument ever filed on the land. If the chain of title to the vendor is not complete, the vendor does not have a good title to convey to the purchaser.

*The Real Property Act* was passed in 1885, and introduced the Torrens or “New” System to Manitoba. Title to land is issued by the Land Titles Office and, once issued, is generally considered to be conclusive evidence of ownership. On a sale, the purchaser must examine only the vendor’s title and the interests registered against that title. A person deprived of land due to the operation of the Act or who suffers loss or damage as a result of an error or omission of the Land Titles Office, is entitled to claim for reimbursement from the Land Titles Assurance Fund.

In addition to the documents that transfer interests in land, the office also accepts those that affect interests in land, such as mortgages, liens and discharges. To ensure the integrity of the titles, all survey plans are examined and registered in the Land Titles Office. Surveys going back to the 1870s are on file.

## Personal Property Registry

The Personal Property Registry was established under Part IV of *The Personal Property Security Act*. It is a “notice filing system,” replacing a “document filing system” that had been in effect under four statutes before September 1, 1978.

The Personal Property Registry records and provides information for the public concerning corporate securities, appointments of receivers, and security interests in collateral under The Personal Property Security Act. It provides a central registry for notices and liens on personal property included in 12 other statutes.

Under *The Personal Property Security Act*, anyone who suffers loss or damage as a result of reliance on a certificate that has an error or omission is entitled to claim for reimbursement. Payment of successful claims is made by the Consolidated Fund of the Government of Manitoba.

## Agency Status

In April 1996, the Land Titles Office and The Personal Property Registry, which formed The Property Rights Division of Manitoba Justice, were transferred to Manitoba Consumer and Corporate Affairs, and now forms part of the Department of Finance.

The Property Registry was formed April 1, 1997, merging the two registries. The Property Registry has now completed its ninth year as a Special Operating Agency.

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### AGENCY STRUCTURE

The Property Registry consists of two registries, the Land Titles Office and the Personal Property Registry. The Land Titles Office has six offices, one located in Winnipeg and five regional offices located in Brandon, Portage la Prairie, Morden, Dauphin and Neepawa. The Land Titles Office includes a Surveys Branch and Administration Office, both located in Winnipeg. The District Registrars are responsible for their respective districts and the Examiner of Surveys is responsible for the Surveys Branch.

The Chief Operating Officer, known as the Registrar General for statutory purposes, reports to the Assistant Deputy Minister of Finance, Consumer and Corporate Affairs Division. The Director, Finance and Systems, Registrar of Personal Property Registry, Examiner of Surveys and the District Registrars report to the Registrar General and Chief Operating Officer. The Director, Finance and Systems is responsible for the financial and systems areas of the Registry. The Personal Property Registry is a central registry with one office in Winnipeg. The Registrar of Personal Property Security is responsible for that office. There are currently 151 staff years within the Registry, plus seven term staff.

The Registry's management team consists of the Registrar General as Chief Operating Officer, the Deputy Registrar General and the District Registrar for the Winnipeg Land Titles Office, the Director, Finance and Systems, the Examiner of Surveys and the Registrar of Personal Property Security.

The Registry's Advisory Board provides advice on the Agency's strategic operations, mandate, structure, business priorities and finances. The Board will also comment on the Agency's performance through review of business plans and reports.

### ADVISORY BOARD

The Advisory Board is appointed by the Minister of Finance and comprises of:

- the Assistant Deputy Minister of Finance, Consumer and Corporate Affairs Division, who acts as Chair;
- one member representing internal government clients;
- one practising lawyer;
- two members external to government, knowledgeable in business practices and/or familiar with the Agency's lines of business;
- one Agency staff representative.

The Chief Operating Officer of the Agency is an ex-officio member of the Board. Other external resources or Agency staff may be invited to attend meetings at the request of the Chair. The composition of the Board may change over time as circumstances warrant.

## MANDATE

The Agency's main function is to provide certification of titles to land, maintain land records and provide reliable information of financial interests in personal property to the public.

The ongoing goals of the Agency are to:

- ensure accurate, orderly and timely registration of documents,
- maintain the integrity of the system by ensuring proper adherence to all legal, survey and statutory requirements, including issuance of titles and maintenance of the survey fabric,
- provide cost-effective services,
- provide timely, efficient and courteous service and information to clients,
- maintain, preserve and protect all types of records,
- build and maintain a working environment that stimulates initiative and involvement of staff and encourages active participation toward reaching goals,
- generate appropriate revenue and increase cost recovery to provide economic viability, while maintaining an acceptable net revenue position for the government,
- minimize claims against the Agency.

## MISSION STATEMENT

To operate modern, efficient, accessible registries that provide quality, assured and reliable information on interests in real and personal property.

## MARKETS

The most significant clients of the Agency are the residents of Manitoba.

The Land Titles Office provides not only a record of land ownership within the Province, but also a registry that facilitates commercial transactions securing billions of dollars each year. Land Titles Offices also provide professional services to financial institutions, surveyors, the legal profession and the real estate industry. The Personal Property Registry clients include the legal profession, banks, credit unions, other financial institutions, wholesalers, retailers, and vehicle dealers. Many departments of all levels of government, including municipalities, are frequent users of information held by the Agency's registry systems.

The public and other government agencies rely heavily on the veracity of the Land Titles Office and the Personal Property Registry to form a fundamental source for their own databases, systems and business processes.

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The Land Titles Office is the primary registry system for the recording of landholding and plans in Manitoba. Crown land leases, mining claims, and transactions affecting federal land are not required to be entered in Land Titles registry databases. The Province and municipalities have their own registration requirements in respect to builders' liens on provincially and municipally owned land.

The Personal Property Registry has no public or private competitor. However, with online searching, there is a market for private agents to take a more active role for clients. These agents depend on the accuracy of information provided by the Personal Property Registry for the services they provide to their own clients.

### PRODUCTS AND SERVICES

- reliable and secure title information and issuing certificates of title ownership,
- professional advice relating to land and interests in land,
- administers mortgage sale and tax sale proceedings and real property applications,
- records information about interests in collateral,
- information, records and certificates about The Property Registry,
- administers and collects land transfer tax on behalf of the Minister of Finance,
- provides title information to the City of Winnipeg and to the Province for property assessment purposes.

### SUSTAINABLE DEVELOPMENT

The Province of Manitoba has introduced a sustainable development policy, which establishes guidelines and principles to ensure that sustainable development objectives are considered in all government initiatives.

The Agency continues to participate in current programs and any educational programs which will assist in integrating sustainable development principles into procurement practises.

The Property Registry continues to recycle paper products and has established a program to reuse paper as memo pads for staff. This program not only reuses paper but saves costs for the Agency by avoiding the purchase of paper scratch or memo pads. Annually, the Agency re-circulates the recycling guidelines and introduces the purchase of all recycled paper photocopy products for Agency use.

The Property Registry has directed staff using Government vehicles to use ethanol fuel and promotes such use for all staff travelling on Government business.

The Agency purchases only remanufactured printer cartridges where permitted under existing leases and warranty provisions, and considers environmentally preferable products on Agency purchases.