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May 25, 1999

MEMO TO: Land Registrars  
Electronic Registration Team  
Regional Surveyors

FROM: Kate Murray  
Director of Titles

SUBJECT: OFFICE OF THE PUBLIC GUARDIAN AND TRUSTEE

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EM199906

Over the last few months my office has received several questions regarding registrations of orders appointing guardians under the *Substitute Decisions Act* and subsequent registrations dealing with property. This memo is to clarify some of the issues that have been raised.

- ▶ If an order appointing a guardian of property under the *Substitute Decisions Act* is registered, no further order is required.
- ▶ A notarial copy of such an order appointing a guardian is acceptable for registration.
- ▶ If the Public Guardian and Trustee executes a document, no proof of their authority is required.
- ▶ Restrictions under section 118 of the *Land Titles Act* are acceptable for registration if the applicant is legally entitled to act on behalf of the registered owner, e.g., by a power of attorney; by an appointed statutory guardian, etc.
- ▶ Where an estate trustee is appointed by the Court, any section 118 restrictions should be deleted upon registration of a transfer by the estate trustee.
- ▶ If the guardian is someone other than the Public Guardian and Trustee and is transferring the property, a statement from them or their solicitor that the transfer conforms to the management plan is sufficient for registration purposes under the *Land Titles Act*.

This addresses most of the issues that have been raised and this information should assist you in dealing with documents registered pursuant to the *Substitute Decisions Act*. A bulletin will be circulated in the near future. If you have any questions, please call Margaret Wiseman at 314-4885.

cc Ian Veitch  
Regional Managers  
Head Office Staff  
Legal Services  
Eric Black, Teranet Land Information Services

A handwritten signature in black ink, appearing to read "K. Murray", written in a cursive style.