



Ontario

Ministry of
Consumer and
Commercial
Relations

Property
Rights
Division

Legal
and
Surveys
Standards
Branch

BULLETIN NO. 79019

DATE: June 22, 1979

TO:
ALL LAND REGISTRARS

THE CONVEYANCING AND LAW OF
PROPERTY AMENDMENT ACT, 1979

ABSTRACTING PROCEDURE UNDER
THE LAND TITLES ACT

The Conveyancing and Law of Property Amendment Act, 1979, Statutes of Ontario, 1979, Chapter 42, which received Royal Assent on June 14 repeals s. 37(2) (enacted in 1975) and substitutes the following:

- (2) Where a person who has a leasehold estate in land under a lease,
- (a) from Ontario Housing Corporation or Ontario Land Corporation; or
 - (b) from the Crown under The Mining Act or The Public Lands Act,

acquires the freehold estate in the land, the leasehold estate merges in the freehold estate and upon the merging the freehold estate becomes subject to any interest to which the leasehold estate was subject immediately before the merging in the same ranking as to priorities as were then held.

As a result, when a transfer of the freehold estate to the lessee is received for registration under The Land Titles Act, the following abstracting procedure should be followed:

1. Open a new parcel to combine the freehold and leasehold estates. The parcel number assigned should not identify the parcel as freehold or leasehold. Encumbrances affecting the previous freehold and leasehold estates should be entered on the new parcel in order of registration, followed by the transfer.
2. Enter the transfer on the previous freehold parcel. The entry should include a short description of the land included in the transfer, followed by the statement "together with the leasehold estate in the said land, Lease (number) having merged under the said Transfer" and a reference to the new parcel number. The entry of the lease should be crossed out and the statement "merged under Transfer (number)" inserted in the registration number column beneath the lease number and signed.

3. Close out the previous leasehold parcel with a re-entry including the date of registration of the transfer, the statement "the above parcel, the said Lease having merged under Transfer (number)" and a reference to the new parcel number.

Mr. B. McGrath, Supervisor, Quality Control, 963-0431, will be pleased to assist with individual problems.

This replaces Bulletin No. 76012.



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