



Ontario

Ministry of
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Relations

Property
Rights
Division

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and
Surveys
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Branch

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TO: ALL LAND REGISTRARS
(REGISTRY SYSTEM)

DESTRUCTION OF DOCUMENTS
(BOND MORTGAGES ETC.)

WHERE DISCHARGE NOT BY
CERTIFICATE OF DISCHARGE

Section 25 of Revised Regulations of Ontario, 1970, Regulation 777 as remade by Ontario Regulation 153/79, with the related retention schedule, allows Land Registrars to destroy mortgages to which section 65 of The Registry Act applies (and related documents).

Occasionally a document is registered that is intended to discharge a mortgage, but the discharge is not in the form of a Certificate of Discharge. This might include, for example, in the case of a deed of trust and mortgage, a release and reconveyance by the mortgagee to the land owner. The document will probably include a recital making it clear that the intention of the release is to discharge the land from the mortgage.

Where it is clear that the parties intended that the mortgage should no longer affect the land, the Land Registrar may treat the document as being a discharge to which section 65(1) of The Registry Act applies, and accordingly, destroy the encumbrance and discharge documents (and any related assignment). For example, in the case of a release and reconveyance by the lender to the land owner, where the "mortgage" was created by a deed of trust and mortgage, the documents to be destroyed would include the original deed of trust and mortgage and any supplemental indenture, as well as the release and reconveyance.

Richard E. Priddle
Director of Land Registration

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