



Ontario

Ministry of
Consumer and
Commercial
Relations

Property
Rights
Division

Legal
and
Surveys
Standards
Branch

BULLETIN NO. 81017

DATE: June 19, 1981

TO:
ALL LAND REGISTRARS
LAND TITLES SYSTEM

LAND PATENTED BY THE GOVERNMENT
OF CANADA, SECTION 36 THE
LAND TITLES ACT

REGISTRATION FIVE YEARS
AFTER DATE OF PATENT

Where a parcel of land has been patented by the Government of Canada and the patentee wishes to have the land registered under The Land Titles Act, no application is necessary if the patent (or "Crown Grant") is presented for registration within 5 years of its date, as provided in section 36 of The Land Titles Act. In this case, the fee for registration is currently \$25.00. (see item 1(2) of the schedule to Ontario Regulation 881/76)

If the patentee presents a patent issued by the Government of Canada more than 5 years after its date, he will be required to apply for first registration under section 33 of The Land Titles Act. The patentee must show that he is entitled to be registered as owner and that no other person has acquired rights in the land by any document or by length of adverse possession.

The patentee's application shall consist of the following:

1. An application for registration containing a full legal description of the land executed by all patentees named in the patent, together with an address for service and accompanied with the required fee.
2. An affidavit by each applicant setting out:
 - (a) that the applicant is entitled to the property and has not conveyed all or part of the land or any easement or other interest in it;
 - (b) that the property has not been encumbered by any lease, mortgage, charge, lien, or any other encumbrance, and is not subject to any easement (except as reserved in the patent);
 - (c) that the applicant was and continues to be in actual occupation of the land (or, if a tenant or other person is in occupation, give particulars);
 - (d) that the applicant is not aware of any person having any claim to or interest in the land or any part thereof adverse to or inconsistent with his title.
3. Executed or authenticated copies of all unregistered leases, liens, licences, mortgages, charges and other documents affecting the patentee's title;

4. A solicitor's certificate verifying that the property had never been and is not registered under either the Land Titles Act or the Registry Act, and setting out all owners and encumbrancers of adjoining land.
5. A statutory declaration of possession completed by each applicant.
6. An original or certified copy of the patent (or "Crown Grant") issued by the Government of Canada.
7. A copy of the survey referred to in the patent (if not previously registered or deposited in the appropriate land registry office).
8. Evidence that all municipal or, where applicable, provincial land tax and other taxes, charges, imposts, rates or assessments, as applicable, have been fully paid.
9. A sheriff's execution certificate in respect of each patentee.

Where the application for first registration is made by an assignee of the patentee, the affidavits and other requirements are to be suitably modified.

The applicant must be advised that Item 2 of the tariff as amended by O. Reg. 996/80 will apply and the normal fee would be \$750.00. However, in most cases, upon application, the Director of Titles will consider a substantial reduction in the fee for the first registration of a federal patentee.

Upon receipt of the application and all the above mentioned documents and the registration fee, the Director of Titles will notify all owners and encumbrancers of the application.

If there are objections which cannot be resolved, a hearing will be held; if no objections are received, the application will be processed, and upon determining that the applicants are entitled to the property, the Patent and the approved parcel register page will be sent to the appropriate land registrar for completion.

Where both the land titles system and the registry system are available, the patentee may choose to register his federal patent under either system.

Where the Government of Canada acquired land that was previously under the jurisdiction of the provincial government, and there was some previous record of the land or of registered dealings with it under either the Land Titles Act or the Registry Act and a new parcel register or abstract index page is being opened for the land in the patent, the old and the new records must be appropriately cross-referenced.


Lita Bury
Solicitor