



Ontario

Ministry of  
Consumer and  
Commercial  
Relations

Property  
Rights  
Division

BULLETIN NO. 74072

DATE: December 30, 1974

TO:  
ALL LAND REGISTRARS

LAND TITLES FORMS AND RECORDS

REG. 553 of R.R.O. 1970,  
AS AMENDED BY  
O. REGS. 149/72 & 154/72

O. Reg. 149/72 which became effective March 30, 1972 and was published in the Ontario Gazette of April 15, 1972, amends Reg. 553 of R.R.O. 1970 in the following important respects:

#### POWERS OF ATTORNEY

Section 7 in part revokes sections 45 and 46 of Reg. 553, and substitutes a new section 45 which prohibits the registration of an instrument purporting to be executed under a power of attorney unless the original power of attorney or a specified type of copy thereof is registered at or before the time of registration of the instrument executed under the power. Section 20 in part revokes Form 35 since it is made redundant by the new section 45.

#### CORPORATE AFFIDAVITS OF EXECUTION

Section 7 also revokes section 47 and section 20 revokes Form 36, so that an affidavit of execution is no longer required in respect of an instrument executed by a corporation. Since such affidavits were never required under The Registry Act, the requirements under both Acts will be made uniform.

#### VERIFICATION OF EXECUTION OF INSTRUMENTS

Section 9 remakes section 51 of O. Reg. 553. Subsection 3 of section 51 provides that affirmations or solemn declarations may be accepted instead of affidavits of execution. In this connection, an affirmation should be accepted only in the circumstances mentioned in section 18 of The Evidence Act, R.S.O. 1970, c. 151.

#### FORM OF REGISTER UNDER SECTION 97 OF THE ACT

Section 10 remakes section 53 of Reg. 553 to provide that the index of corporate charters, etc. may be in the form approved by the Director of Titles. This will allow for the use of card indexes instead of books.

FORMS

Section 17 revokes paragraph 13 of Form 2 of Reg. 553. As a result, that form, the affidavit in support of an application for first registration, no longer requires a statement as to the age or marital status of the applicant. Neither is relevant to such an application. The applicant will be required to swear to his legal capacity and his marital status when he comes to deal with the land in any case.

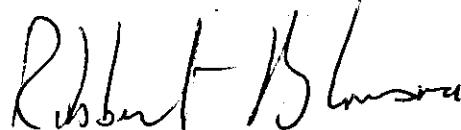
Section 18 in part rewords Form 14 of Reg. 553, the affidavit in support of a withdrawal of caution. The affidavit is no longer required to be sworn by a solicitor, and statements respecting the age and mental condition of the cautioner have been omitted.

Section 18 also substitutes a new form of affidavit as to age and marital status for Form 23 of Reg. 553, in part to take into account the reduction in the age of majority from 21 to 18 years as a result of the coming into force of The Age of Majority and Accountability Act, 1971. Alternate wording is provided to permit the affidavit to suit the circumstances. In the printed forms of transfer and charge a space will be provided in this affidavit for insertion of a statement with respect to the residence of the transferor. This is being permitted because under the new federal Income Tax Act which came into effect on January 1, 1972, a purchaser who acquires taxable Canadian property from a non-resident may be liable to pay tax as set out in that section on the transfer "unless after reasonable inquiry he had no reason to believe that the non-resident person was not resident in Canada".

Section 21 substitutes a new form of affidavit of subscribing witness, Form 38, for the previous Forms 38 and 39, to take into account The Age of Majority and Accountability Act, 1971, and to remove a good deal of unnecessary wording. The witness is no longer required to swear that the party whose signature he witnessed had attained the age of majority, that he was of sound mind, and that he signed voluntarily. The form for the same affidavit under The Registry Act has been amended so that the forms under both Acts are now identical.

This replaces Bulletin No. 72009

NOTE: As of this date, Reg. 552 of The Land Titles Act, section 37 and Form 8 are still in force.



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of Titles & Legal Officer