



Ontario

Ministry of
Consumer and
Commercial
Relations

Property
Rights
Division

BULLETIN NO. 74075

DATE: December 30, 1974

TO:
ALL LAND REGISTRARS

REGISTRY FORMS AND RECORDS
ALPHABETICAL INDEX
LEASE OF CHATTELS
ALPHABETICAL DEPOSIT INDEX

REG. 777 OF R.R.O. 1970
AS AMENDED BY O. REG. 150/72

O. Reg. 150/72, which became effective on March 30, 1972, and was published in The Ontario Gazette of April 15, 1972, amended Reg. 777 of R.R.O., 1970 in the following important respects:

ALPHABETICAL INDEX

Section 1 amended section 8 of Reg. 777 to provide that recording in the alphabetical index is not required for any instrument registered after January 1, 1972. Alphabetical index books for previous years may be destroyed in accordance with the provisions of R.R.O. 1970 Reg. 777 S. 25 para. 4. It should also be noted that it is still necessary to maintain an alphabetical index for general registrations in compliance with section 18(7) of The Registry Act.

NOTICE OF LEASE OF CHATTELS

Section 2 added a new section 9a to Reg. 777 which permits the registration of a specialized form of notice of lease of chattels, Form 11a, which only the owner of the chattels is required to sign. Leased machinery, equipment or appliances may, on installation, become fixtures and pass on a conveyance to a purchaser who has no knowledge of the lease. To protect his interest, therefore, a lessor of such chattels must give notice to prospective purchasers of the land. The new Form 11a requires:

- 1) a description of the chattels as well as a proper legal description of the land to which they are affixed;
- 2) the name of the owner of, and the municipal address of the land; and

- 3) a statement that the lessor is prepared to disclose the terms of the lease to any person who can establish that he has, or may obtain, an interest in the land to which the chattels are affixed.

FORMS

Certain forms under The Land Titles Act, including the form of affidavit of the subscribing witness, required revision to take into account the reduction in the age of majority from 21 to 18 years under The Age of Majority and Accountability Act, 1971 and to remove unnecessary wording. (See Bulletin 74072) By section 7 of O. Reg. 150/72, the corresponding affidavit required under section 25(1) of The Registry Act (Form 13 of Reg. 777) has also been revised so that the requirements under both Acts will be identical and the wording of Form 14 (affidavit of subscribing witness where the instrument is a security under section 26 of the Act) has been revised so that it will correspond materially with that of the new Form 13.

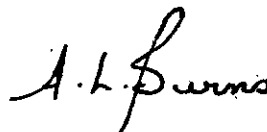
Section 7 also revised the form of declaration under section 23(1)(e) of the Act (Form 12 of Reg. 777), to omit the statement that the instrument to which the declaration refers does not contain a local description. In some cases, an instrument contains a local description but the land is improperly described. Under the former wording, the declaration could not be made.

The remaining sections corrected editorial errors in Regulation 777 as it appears in the Revised Regulations of Ontario, 1970.

ALPHABETICAL DEPOSIT INDEX

Subsection 3 of section 107 was repealed by section 39 of The Registry Amendment Act, 1972 (Chap. 133) so that the land registrar in the registry system is no longer required to maintain an Alphabetical Deposit Index. Since deposits are recorded in the abstract index, the additional work involved in the alphabetical indexing is considered to be unwarranted.

This replaces Bulletins 72008 and 73005.



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