



Ontario

Ministry of
Consumer and
Commercial
Relations

Property
Rights
Division

Legal
and
Surveys

Standards
Branch

BULLETIN NO. 82001

DATE: January 4, 1982

TO: ALL LAND REGISTRARS

ONTARIO DESIGNATED AS
"CERTIFICATION AREA"

REGISTRY ACT, R.S.O. 1980, c.445
s.73(10) and O. Reg. 825/81

Ontario Regulation 825/81, made by the Lieutenant Governor in Council on December 3, 1981 (to be published in The Ontario Gazette of December 26, 1981) reads as follows:

CERTIFICATION AREAS

1. For the purposes of subsection 73(10) of the Act, the Province of Ontario is designated as a certification area.
2. Section 1 does not apply to those parts of the Province of Ontario to which *The Land Titles Act* applies.
3. This Regulation comes into force on the 1st day of January, 1982.

Subsection 73(10) of the Registry Act, R.S.O. 1980, c.445 provides as follows:

Subject to the regulations, a plan of subdivision of land that is within a certification area shall not be registered under this Act unless,

- (a) the title of the owner of the land has been certified under the *Certification of Titles Act*;
- (b) the plan is accepted for registration within six months after the designation of the area in which the land is situate as a certification area; or
- (c) certification under the *Certification of Titles Act* of the land included in the plan would, in the opinion of the Director of Titles, result in an unreasonable delay in registration of the plan.

The combined effect of section 3 of the Regulation and clause 73(10)(b) of the Act is that, except as provided by clause 73(10)(c), after June 30, 1982, a plan of subdivision of land that is not within a land titles division will not be acceptable for registration (under the Registry Act) unless a Certificate of Title has been registered certifying the person (or corporation) who is the subdivider to be the owner of the land that is to be subdivided.

The parts of the Province that are included in land titles divisions are set out in Column 3 of the Schedule to Ontario Regulation 550/81 (See Bulletin 81024, Schedule A).

Solicitors acting for applicants under the Certification of Titles Act, (R.S.O. 1980, c.61) are advised to submit their clients' applications (at least three months before the related subdivision plans are to be registered) to:

Ministry of Consumer and Commercial Relations
Property Rights Division
Legal & Survey Standards Branch
Title Examination Section
543 Yonge Street
3rd Floor
Toronto, Ontario
M7A 2J8

Before preparing an application for a Certificate of Title, the applicant's solicitor should read the Act, and Regulation 93 of Revised Regulations of Ontario, 1980.

An application will not be treated as having been received for processing unless it is complete (i.e. supported by all necessary affidavits, abstracts, certificates, prints of survey plan, etc.) nor unless it is accompanied by a cheque or money order, payable to the "Treasurer of Ontario", for the amount of the application fee (currently \$750.00).

This designation is consistent with the requirement (in effect since January 1, 1974) that a plan of subdivision of land that is in a land titles division must be registered under the Land Titles Act, and the requirement (in effect since September 1, 1967) that a condominium must be registered under the Land Titles Act, if the land is in a land titles division, and if not, the title of the declarant must have been certified. (See the Land Titles Act, R.S.O. 1980, c.230, s.143, and the Registry Act, R.S.O. 1980, c.445, subsections 73 (9, 10 & 11) and s.87).

Ontario Regulation 825/81 complements the "legal improvements" to the land registration systems that were recommended by the Ministry's "Land Registration Management Committee", and which are currently being developed by the staff of the "Land Registration Improvement Project" (still commonly referred to as "POLARIS", for Province of Ontario Land Registration and Information System).

To date, the Certification of Titles Act and Regulation have not been reprinted from the new Revised Statutes and Revised Regulations as an "office consolidation". Solicitors who do not have the Revised Regulations of Ontario, 1980, and who cannot conveniently obtain a copy of Regulation 93, or who need guidance in respect of applications for Certificates of Title may contact me by telephone at (416)963-0423, or Mr. Donald A. Haig, Supervisor, Title Examination Section at (416) 963-0431. (Mr. Haig is also responsible for processing all applications for the first registration of land under the Land Titles Act.)

It should be noted that:

- (1) The notices required to be given by the Director of Titles to the owners and mortgagees (or chargees) of adjoining land cannot be served until the plan of survey of the applicant's land has been approved by staff of the branch acting on behalf of the Examiner of Surveys. (See R.R.O. 1980, Regs. 93 and 898, as amended). Accordingly, the applicant's surveyor should be requested to submit the plan of survey for examination by the Survey Standards Audit Section of this branch as much as possible before the application (for the Certificate of Title) is submitted, and to respond promptly to our requisitions, if any.
- (2) Service of notice may be avoided, with possible resultant time saving, if consents as provided by subsection 5(2) of the Act, are obtained and filed. Such a consent will, however, cease to be valid if a change of significance to the consenting party is made to the plan of survey after the consent and waiver was signed.



Richard E. Priddle
Director, Legal and Survey Standards Branch
(& Director of Titles)

Note: The final Bulletin in the 1981 series was No. 81031