

Ontario

Ministry of
Consumer and
Commercial
Relations

Property
Rights
Division

Legal
and
Survey
Standards
Branch

BULLETIN NO. 82010

DATE: May 20, 1982

TO:
ALL LAND REGISTRARS

CAUTIONS UNDER S. 74 OF
THE LAND TITLES ACT

APPROVAL REQUIRED BY THE
DIRECTOR OF TITLES

In addition to the cautions registered under section 129 of the Land Titles Act, a caution may be accepted under section 74 of the said Act provided it is "authorized by the Director of Titles."

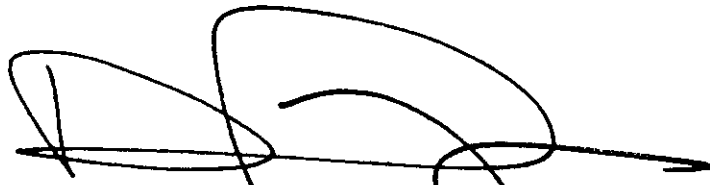
Cautions which have been approved by the Director of Titles as acceptable under section 74 include (a) a claim by an execution creditor that the property has been conveyed with the intention to defeat creditors (see the Fraudulent Conveyances Act, R.S.O. 1980, chapter 176) and (b) a claim by the registered owner that power of sale proceedings are improper because the owner has redeemed the charge prior to a sale of the property being made.

In case (b), the caution is against a charge and will prevent any dealings with or under that charge without the consent of the cautioner, whereas, case (a) is a caution against the land thereby preventing any dealing with the land by the registered owner without consent.

No other cautions under section 74 shall be accepted without the approval of the Director of Titles.

It should be noted that, in future, an application for a caution under section 74 must have the following statement included in it:

"I (We) hereby authorize the Land Registrar to delete the caution from the parcel register upon the expiration of five years from the date of registration, unless extended, upon further application, for an additional period."



M. D. Godfrey
Deputy Director of Titles

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