



Ontario

Ministry of
Consumer and
Commercial
Relations

Property
Rights
Division

Legal
and
Survey
Standards
Branch

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DATE: October 14, 1983

TO:
All Land Registrars

Limited Partnership Acts

Execution by all Partners and
Ruling out of Mortgages

Section 7 of the Limited Partnership Act provides that a general partner in a limited partnership has all the rights and powers of a partner in a partnership without limited partners, except that such a partner has no authority to assign any rights in specific partnership property for other than a partnership purpose unless all limited partners consent in writing to or ratify the assignment.

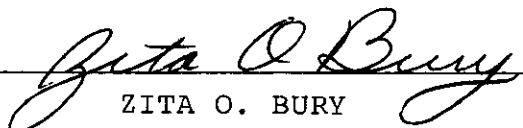
Therefore, effective January 1, 1983, land registrars are instructed not to accept for registration instruments which have the effect of conveying or charging an interest in land from a limited partnership unless,

- (a) all partners, including limited partners, execute the instrument, or
- (b) only all the general partners execute the instrument and one of the general partners provides a statutory declaration that the transaction is for a partnership purpose within the meaning of section 7 of the Limited Partnerships Act.

Although the land registrars in the registry system are not expected to enforce these rules, it is our view that the same requirements apply to the execution by limited partnerships of comparable instruments under the Registry Act.

In the registry system, the entry in the abstract index of a mortgage which has been discharged should not be deleted under subsection 51(8) of the Registry Act unless every assignment of it by a limited partnership executed on or after December 31, 1980 or the discharge given by a limited partnership executed on or after December 31, 1980 complies with the above.




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