



Ontario

Ministry of  
Consumer and  
Commercial  
Relations

Registration  
Division

Real  
Property  
Registration  
Branch

BULLETIN NO. 95004

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TO:  
All Land Registrars

Environmental matters

Scope of Bulletin 91003

There have been some inquiries concerning representations, covenants or warranties in leases or charges, which deal with environmental matters, and the applicability of Bulletin 91003 (Environmental Warnings/Restrictions) to these types of clauses. Such clauses would include:

- representations from a party as to the past use and current state of the property or adjoining properties;
- a covenant to clean up the property, if contaminated, and indemnify the tenant/chargee against third party claims; and
- a covenant to maintain a pollution liability insurance policy.

This list is not exhaustive.

These types of clauses do not fall within the scope of Bulletin 91003 and are permissible. They are terms and conditions of the lease or charge. Please note, however, that no lease or charge can require the subsequent registration of a notice or other document, which itself would not be registrable.

Ian Veitch  
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