



Ministry of Government Services
Registration Division
Title and Survey Services Office

BULLETIN NO. 2005-05

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TO: All Land Registrars

Land Titles Act
Registry Act

Capacities
Interest/Estate
Estates/Qualifier
Teraview® 5.3

The Ministry has reviewed a number of aspects of the electronic documents in its ongoing review of procedural and registration requirements. The initial design of the electronic registration system made certain fields mandatory that, previously in the paper system were not. After taking into account comments that have been received from our clients and reviewing the information that is most frequently used in selected fields, changes are being made to simplify and make the electronic registration system more efficient for the users and land registration staff.

This Bulletin outlines the changes being made to the requirements for the mandatory completion of certain fields, the addition of an Interest/Estate field and the inclusion of information to the Capacity field that are more reflective of the legislation.

These changes are being implemented in a two-step process in order to minimize the impact on work in progress documents, with the result that the vast majority of documents will not be affected. There will also be a slight modification to the appearance of Electronic documents. The changes are scheduled for implementation as follows:

Step 1 is to be introduced as part of the release of Teraview® 5.3 scheduled for Monday, July 18, 2005, and will include the first portion for the Interest/Estate/Qualifier changes and the Capacity changes.

Step 2 is scheduled for implementation on Monday February 6, 2006 and includes the final portion of the Interest/Estate/Qualifier changes.

The following is a summary of the changes.

Capacity Changes

Currently, the completion of the Capacity field in the electronic document is mandatory for the "Party To" on document types that could have the effect of transferring title. As the legislation does not require a capacity to be stated, with the release of Teraview 5.3 the Capacity field will become an optional field. However should the registrant elect to complete the Capacity field, the list of capacities that are available for selection on the electronic documents has been updated. For instance, the capacity "Estate Trustee during Litigation" has been added to the list of capacities available since the need for this capacity has arisen on a number of occasions. Also the use of BENO, being Beneficial Owner, has been eliminated. Beneficial Owner was introduced to satisfy the mandatory requirement for a capacity and was meant to denote that the owner was the registered owner in fee simple. As Beneficial Owner can be confused with the language of trust, which is not recognized under the *Land Titles Act*, a new capacity "Registered Owner" with an abbreviation of "ROWN", has been included which is more reflective of the legislation. Existing titles that have a party described as the "Beneficial Owner" (BENO) are valid, and that party is the registered owner.

In situations where the available Capacity selections do not fit the situation being dealt with, the capacity should be left blank. If the need arises, Statement 61 may be used to describe the capacity in which the party is holding their interest. If there becomes a need for additional capacities to be added to the list, this can be accommodated when future changes are made.

List of Capacities available in Teraview 5.3

When the registrant elects to complete the Capacity field for a party, a capacity can be selected from the following list. The abbreviation that will be printed in the capacity portion of the Owners Field of the PIN printout is shown in brackets beside the capacity.

Estate Trustee with a Will (TWW)	Estate Trustee without a Will (TWOW)
Estate Trustee During Litigation (ETDL)	Firm Name (FIRM)
General Partner (GPAR)	Joint Account (JACC)
Joint Account, Right of Survivorship (JARS)	Joint Tenants (JTEN)
Life Estate (LEST)	Official Guardian (OG)
Partner (PRTN)	Public Guardian and Trustee (PGT)
Remainder (REM)	Registered Owner (ROWN)
Trustee in Bankruptcy (TBKR)	Tenants in Common (TCOM)
Trustee (TRST - see Note below for applicable use)	

Note: The capacity of “Trustee” is intended to be used only in situations where there is more than one registered owner identified and the intent is to identify the right of survivorship for the Trustees. See Section 62 of the *Land Titles Act* for the limited applicable use of this capacity.

Creation of New Documents after Teraview 5.3 is Introduced

When creating new documents, if a client continues to use a version of Teraview below 5.3, the system will display the above list of capacities, and will also include the capacities available in other versions of Teraview. However, when signing the document, the system will validate that the capacity selected is from the list above and if it is not, will give the error message:

“You have lost your Teraview connection (error 15193). Please log back into the application and try again. If the problem persists contact Customer Service Centre immediately”.

If this error message is displayed, the registrant will need to select a capacity from the above list.

For users that have updated to Teraview 5.3 and are creating new documents, only the above list of capacities will be displayed.

Work In Progress

For users that have updated to Teraview 5.3 and have documents in a work in progress file with capacities that are not in the above list, the system will give the error message at signing or at registration if the document has already been signed:

“The capacity selected is no longer available. Please select another capacity”.

Users on a version of Teraview below 5.3 with documents in a work in progress file containing capacities that are not included in the above list will receive the following error message at signing or at registration if the documents have already been signed:

“You have lost your Teraview connection (error 15193). Please log back into the application and try again. If the problem persists contact Customer Service Centre immediately”.

If this error message is displayed, the registrant will need to select a capacity from the above list.

Consistent with current functionality, when a document is changed after it has been signed, the signatures are removed and the document must be resigned.

Document Correction

If a document is receipted prior to the introduction of Teraview 5.3 and returned for a correction in the Capacity field after the introduction of Teraview 5.3, the system will validate that the capacity selected was active on the date of the receipt of the document.

Estate/Qualifier and Interest/Estate Fields

The Estate/Qualifier field is also being simplified as a result of the review. This field lists the estate and qualifier attributes of the parcel. Staff of the land registration system determine the estate (e.g. Fee Simple) and the qualifier (e.g. Absolute) for a parcel based on the registered documents and amend the Estate/Qualifier field accordingly.

The Interest/Estate field is being introduced, with the release of Teraview 5.3, in electronic registration documents. Previously, when electronic registration was introduced the Estate/Qualifier field was shown on all document types and pre-populated with the Estate/Qualifier from the associated PINs. On specific document types the registrant was able to make another selection from a drop down menu. The Interest/Estate field will replace the Estate/Qualifier field in applicable documents. The introduction of the Interest/Estate field will occur in two steps.

Step 1

As stated above, with the release of Teraview 5.3, a new field, entitled ‘Interest/Estate’ will be available on transfer and charge type documents (see Appendix A). The default in the ‘Interest/Estate’ field will be ‘Fee Simple’ however if something other than a fee simple estate (e.g. an easement) is being transferred, the registrant should select the appropriate interest or estate from the following list which will be accessed from a drop down menu. On all documents other than those listed in Appendix A, there will be no Interest/Estate or Estate/Qualifier heading or field on screen or on any reports. (Note: For users not on Teraview 5.3, see Document Creation below, for headings and fields that will appear when creating new documents.)

Interest or Estates available in Teraview 5.3

As a result of the Ministry's analysis, all of the most commonly used interests and estates have been provided for in the following list.

Fee Simple
Easement
Fee Simple with New Easement
Leasehold
Fee Simple – Surface Rights
Fee Simple – Mining Rights
Life Estate Remainder in Fee
Other

To the extent that there are other valid interests or estates that a registrant may require in addition to those listed below, the selection of 'Other' is to be used. The registrant must provide an explanation of the interest or estate being dealt with by including a law statement in Statement 61 and obtaining pre-approval of the document from the Title and Survey Services Office at (416) 314-4882 prior to registration.

Document Creation

Users on Teraview 5.3

When creating new documents, for users that have upgraded to Teraview 5.3, the Interest/Estate field will appear only on document types where the field may be changed (see Appendix A).

Step 1

In the first step, the system will pre-populate "Fee Simple" into the document and the registrant has the option to select an alternate interest or estate in the above list from the drop down menu. On all documents other than those listed in Appendix A, there will be no Interest/Estate or Estate/Qualifier heading or field on screen or on any reports.

Step 2

Step 2 will have no impact on users that have upgraded to Teraview 5.3 unless there is a document in their work in progress file that was created prior to the introduction of Step 1. See Work In Progress, Step 2 below.

Users not on Teraview 5.3

For users on a version of Teraview below 5.3, the heading on the screen, and on the Confirmation of Registration, Document Preparation, and Acknowledgement and Direction reports will remain as Estate/Qualifier on all document types however the drop down menu will only be available on the document types listed in Appendix A. Once registered, the heading on the official copy will be shown as "Interest/Estate" on document types where the field may be changed. (See Appendix A.) On documents not listed in Appendix A, there will be no Interest/Estate or Estate/Qualifier heading or field on the official copy.

Step 1

In the first step, all Interest/Estate and Estate/Qualifier selections will be available from the drop down list. Until the implementation of Step 2, the system will allow a document with any of the selections to be signed and registered. As you can only convey what your title states that you

own or a lesser estate, documents that have an estate or qualifier selected that does not match the PIN may be returned for correction. For example, the PIN is “Fee Simple, Land Titles Conversion Qualified” the system pre-populates “Fee Simple” into the document and the registrant then changes it to be “Fee Simple, Absolute”. The document is conveying a larger estate than what is owned and the document may be subject to being returned for correction.

Step 2

Once the second step is implemented, a validation will be done by the system at signing and at registration to ensure a Qualifier is not included in the selection and only one of the interest and estates mentioned above has been selected. If the one selected is no longer available, the user will receive the following error message:

“You have lost your Teraview connection (error 15194). Please log back into the application and try again. If the problem persists contact Customer Service Centre immediately”.

If this error message is displayed, the registrant will need to select an Interest/Estate from the above list.

For documents where the field is not available the heading “Estate/Qualifier” will still appear however the field will be blank and there will be no dropdown list.

Work In Progress – Step 1

When the first step is implemented with the release of Teraview 5.3, the only work in progress files that will be affected are documents where the Estate/Qualifier selected is “Fee Simple (easement)”. Where a document contains the Estate/Qualifier “Fee Simple (easement)” and it is a grant of easement or release of easement, “Easement” should be selected from the drop down menu. On a transfer of land that includes a reservation or grant of easement, “Fee Simple with New Easement” should be selected.

Consistent with current functionality, when a document is changed after it has been signed, the signatures are removed and the document must be resigned.

Work In Progress – Step 2

Users on Teraview 5.3

When the second step is implemented, the following actions may be required with respect to work in progress documents that were created prior to the release of Teraview 5.3. On document types listed in Appendix A, where the selection made is not contained in the list above, the Interest/Estate will need to be re-selected, signatures will be removed and the document must be re-signed prior to registration. On all other document types, where the field will no longer be available, a document that was created prior to the release of Teraview 5.3 and still exists in the work in progress file, will need to be re-created. If a document was created after the release of Teraview 5.3, it will not need to be re-created.

Upon implementation of the second step, if there are documents in a work in progress file that contain a selection in the Interest/Estate field that is not in the list above and the user has

updated to Teraview 5.3 they will receive the error message at signing or at registration if the instrument was already signed prior to the introduction of the second step:

"The interest/estate selected is no longer available. If this document requires an interest/estate to be provided, please select another from the dropdown list. If the field is no longer displayed you will need to recreate the document."

For document types where the field is still available the user must reselect the appropriate interest or estate and then resign the document. For document types where the field is no longer available, and the document was created prior to the release of Teraview 5.3, the user will have to recreate the document.

Users not on Teraview 5.3

Upon implementation of the second step, if there are documents in a work in progress file that contain a selection in the Interest/Estate field that is not in the list above and the user has not updated to Teraview 5.3, they will receive the error message at signing or at registration if the instrument was already signed prior to the introduction of the second step:

"You have lost your Teraview connection (error 15194). Please log back into the application and try again. If the problem persists contact Customer Service Centre."

For document types where the field is still available, the user must select the appropriate interest or estate and then re-sign the document. For document types where the field is no longer available, and the document was created prior to the release of Teraview 5.3, the user will have to re-create the document.

Document Correction

As each step is implemented, there will be no affect on any documents that are registered before the steps are introduced and returned for correction after. All information that was available on the date a document was registered will still be available after a document has been returned for correction.

Users on Teraview 5.3

If a registrant is required to correct an entry in the Estate/Qualifier field on a document receipted prior to the changes and returned for correction after the user has updated to Teraview 5.3, the system will display Interests or Estates shown in the above list as well as the Estates and Qualifiers that are being removed in Step 2. The heading on the user's screen and reports will be "Interest/Estate" however the heading on the official copy will remain as "Estate/Qualifier" which is what was shown on the document when it was registered. For documents returned for correction to another field, where the field was not amendable, the Estate/Qualifier field will not be displayed.

Users not on Teraview 5.3

If a registrant is required to correct an entry in the Estate/Qualifier field on a document receipted prior to the changes and returned for correction after, the system will display Interests or Estates shown in the above list as well as the Estates and Qualifiers that are being removed in Step 2. This applies to Documents where the field is available and the heading will be "Estate/Qualifier".

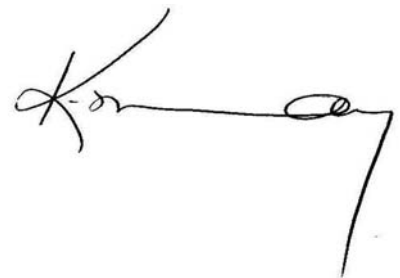
For documents returned for correction to another field, where the Estate/Qualifier field is not amendable, the "Estate/Qualifier" heading will be displayed but will be greyed-out and not accessible for amendment.

Implementation and Transition

The changes being made at this time are to simplify and clarify aspects of the electronic registration system. Titles and registered or receipted documents containing these fields or information in these fields that will no longer be available for selection once the appropriate change is made, continue to be valid. As a result there is no need to change this information on existing documents.

Accordingly, land registry offices will not be accepting documents for registration where the sole purpose is to change this information on existing documents or titles. For example, documents will not be accepted for registration to change the capacity of "Beneficial Owner" to "Registered Owner".

Registrants are encouraged to work with the Land Registrar to address any unusual or unique situations.

A handwritten signature in black ink, appearing to read 'K. Murray', with a stylized flourish at the end.

Katherine M. Murray
Director of Titles

Appendix A

The following list of documents allow for the Interest/Estate to be selected on a document.

1. Application To Amend Based On Court Order
2. Application To Register Court Order
3. Application for Leasehold Parcel
4. Caution-Land
5. Caution Of Agreement Of Purchase And Sale
6. Charge
7. Charge By Partnership
8. Charge By Religious Organization
9. Notice Of Option To Purchase
10. Power Of Sale For Notice Of Charge Of Lease
11. Transfer
12. Transfer Easement
13. Transfer By Partnership
14. Transfer By Personal Representative
15. Transfer Power Of Sale
16. Transfer Release & Abandonment
17. Transfer Religious Organization
18. Transfer Trustee In Bankruptcy