



Ministry of Consumer
and Business Services
Registration Division
Title and Survey Services Office

BULLETIN NO. 2002-1

Land Titles Act

DATE: December 6, 2002

Correction and Withdrawal
of Documents Registered
Electronically

TO: All Land Registrars

Background

The introduction of Electronic Land Registration allows for the creation and submission of land related documents remotely from a user's office. The system performs some registration checks before the document is receipted with a registration number. In addition, land registry office staff continue to check the document at the time of certification and if an error is found that prevents certification, the appropriate parties are called and the document is sent back for correction. This correction process is provided for by the *Land Titles Act* and has always occurred in paper registrations.

Since the introduction of Electronic Land Registration, there have been many situations in the electronic environment where registrants have not responded to calls from the Registry Office in a timely manner. This slows down the certification process and contributes to certification backlogs. As with paper registrations, it is expected that clients will respond to these calls from the Registry Office in a timely manner or the document may be subject to being cancelled in accordance with the Act.

Cancellation of documents has not been common and is not the method the land registration system wishes to follow, however unnecessary delays to requests for correction slow the certification process and make it difficult for all users. If a document must be cancelled, the procedure referred to in Section 78 of the *Land Titles Act* must be followed, including the sending of notices.

Electronic Land Registration Correction Procedure

If a document must be returned for correction, land registry office employees are instructed to first telephone the client and inform them a document is being returned for correction and ensure the registrant is still at the firm or institution. If the registrant is no longer with the firm, employees have been instructed **not** to return the document, but instead, advise the client to contact Teranet and arrange for access to the document. It is the responsibility of the client to manage their accounts.

Land registry office staff will include the following information in the Areas to be Corrected and the Correction Progress Notes fields of the document. The information in these fields will serve as Notice pursuant to Section 78 of the *Land Titles Act*:

- Staff members' name and telephone number
- Date of return
- Reason for correction
- Specific date for the document to be resubmitted to the Land Registry Office. (The date will be a minimum of 7 days from the document return date)

The Correction Progress Notes field must be updated each time the staff contacts the client. In addition, clients must ensure the appropriate parties have re-signed the document before it is resubmitted.

Request for Return of Document for Correction

There have been an increasing number of requests to land registry offices for documents to be returned for correction for reasons that do not affect the validity of the document from a registration perspective. Many of these requests stem from errors in preparation of the document. These errors range from the Chargee's name, principal amount, standard charge terms or payment provisions on charges that are incorrect, the wrong transferee inserted, incorrect Land Transfer Tax information, a discharge registered when it should have been a transfer of charge, Municipal and/or Service address incomplete, minor spelling mistakes in names in spousal statements where both spouses are parties to the document, names on an attachment that are not identical to the names on the ER document, to incorrect instrument numbers in the related documents/deletions field.

These correction requests are indicative of errors occurring because the correct document type was not selected or that the proper information related to the document was not verified prior to the 'Register' function being selected. Clients must ensure that their documents comply with requirements and that they verify the document details prior to registration. Documents should be electronically signed for completeness which will initiate system checks. Clients must keep in mind that Electronic Registration system checks are performed as to the registration rules programmed in the system and not information that is entered as free form text. After the document is electronically signed, clients are encouraged to print the Document in Preparation Report and review it for compliance and completeness prior to the document being submitted for receipt.

Effective immediately, documents will not be returned for correction for reasons that would not prevent the document from being certified.

Request for Document to be Withdrawn

Requests for withdrawals of documents for reasons such as document registered by "mistake", client changes their mind, or document registered in the wrong registry office are being seen more frequently. If the documents are otherwise acceptable for registration, these types of errors should not affect the integrity of the land registration system and will not, in most instances, be withdrawn.

Another frequent request is for a discharge of charge to be withdrawn because the charge has already been discharged on that property. The ultimate record of active interests is not adversely affected and therefore, the second discharge will be processed and certified. No refund will be given of the registration fee. Land Registrars are directed to grant only requests for withdrawals of documents that affect the integrity of the land registration records, or materially affect the interest of the registrant.

Requests of this nature rarely occurred with paper registrations and the type of mistakes clients are making are not items that would have been questioned by land registry office staff. Prior to using the "Register" function, a sub-search should be performed and the information in the document verified for completeness both from the perspective of registration rules and accuracy

of information related to the transaction. The number of requests has increased the workload in the registry offices and is contributing to backlogs in the certification process.

Effective immediately, documents will not be withdrawn for reasons that would not prevent the document from being certified.

In situations where a document has been registered incorrectly, would materially affect the interest of the party or which contains improper information, such as where a discharge of charge was registered instead of a transfer of charge, the request that the discharge of charge be withdrawn will be processed. The fees, however, for the registration of this document will not be returned, as substantial processing work has already occurred.

It is the responsibility of the registrant to ensure that the proper document type is being registered. Any such withdrawal will only be effected in accordance with Section 78 of the Act and, in some situations due to subsequent registrations, may not be able to be done without notice being served.

Registrants are to contact the land registry office to address any corrections required in a document. Land Registrars continue to have discretion in dealing with individual situations.

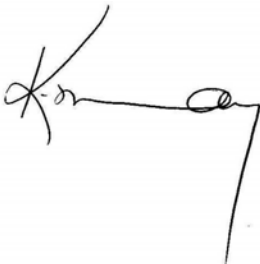
In addition, the legislation remains unchanged with respect to certified documents and therefore documents that have been certified cannot be withdrawn.

Electronic Registration Recommendation for Revenue Refund

Land Registrars are reminded that revenue refund forms must be reviewed and signed by the Land Registrar or designate to ensure there is a detailed reason for refund and the document is being withdrawn for reason(s) of potential liability.

Training

Training courses are available to users of the electronic system at a number of Community Colleges throughout the province. Information on these courses can be obtained on the Teranet website at www.teraview.ca <<http://www.teraview.ca>> or by calling (416) 360-1190 or toll free 1-800-208-5263.

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

Katherine M. Murray
Director of Titles and
Senior Deputy Director of Land Registration