



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

BULLETIN NO. 2002-5

Land Titles Act

DATE: December 23, 2002

Electronic Registration
Statement 61 Schedule and
Statement 92 Evidence

TO: All Land Registrars

Introduction

The Electronic Registration system is designed so that each type of document has certain statements available for selection. Generally the statements are pre-programmed and include information required for a particular document type.

In addition, Statements 61 and 92 are available for most documents. These statements provide a means for registrants to include additional information or supporting evidentiary documentation. Usually, a registration must include the document that is the subject of the registration. Statement 61 is a schedule that is used to include information, as described below, that forms part of the registered document. Evidence, on the other hand, is usually required where the Land Registry Office is amending the title based upon the supporting material and where a law statement has not been selected. In this situation, Statement 92 is used and it includes the unique number assigned by the Land Registry Office to evidence that has been indexed at the Land Registry Office prior to the document being submitted for registration. This evidence supports an Application to the Land Registrar and once it has been reviewed, does not form part of the document.

Statement 61

Information may be keyed directly into Statement 61 or may be saved in a txt, pdf or tif format and imported into Statement 61 as set out in the Electronic Registration Procedures Guide under "Background" in the "Use of Statements" section. The following is a list of the most common attachments to be included in Statement 61. These **cannot** be indexed because they form part of the registered document.

- 1) Agreements registered as a Notice under S. 71 of the *Land Titles Act*;
- 2) Notice of Subdivision Agreement;
- 3) Notice of Assignment of Rents – General and Specific;
- 4) Corporate Change of Name Documents (can only be indexed if they exceed the system import limit of 2 MB);
- 5) Covenants and Restrictions under Sections 118 and 119 of the *Land Titles Act*;
- 6) Leases and related documents under Section 111 of the *Land Titles Act* unless statements 2601 and 2604 are used;
- 7) Court Orders **except** those that amend the register (Law Statements regarding the status of the court order must be used);

- 8) Certificate of Pending Litigation;
- 9) Certificate of Action;
- 10) Condominium By-Laws;
- 11) Consent of Chargee in a Plan Document.

Electronic statements are available for Court Orders that amend the register, Construction Liens, Bankruptcy Assignments and Receiving Orders. The prescribed statements are sufficient for the Land Registrar to act upon and give effect to the registration and therefore, these documents are not required to form part of the registered instrument. However, registrants have the option of including them in Statement 61.

Statement 92

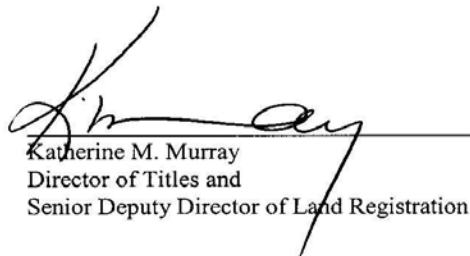
The use of Law Statements is encouraged in Electronic Registration. Where a Law Statement is not selected evidence must be submitted to the Land Registry Office where an index number will be assigned by staff prior to the document being registered. In this event Statement 92 is to be used. The following is a list of examples of evidence that **may** be indexed:

- 1) Original or Notarial Copy of a Death Certificate/Funeral Directors Statement of Death;
- 2) Original or Notarial Copy of a Certificate of Appointment of Estate Trustee or Will and supporting material for a Transmission Application;
- 3) Power of Sale Declarations and Original or Notarial copy of Post Office Receipts.

Once evidence has been indexed it cannot be amended. New or additional evidence must be filed under a separate index number. Evidence that has been indexed **cannot** be referred to in a paper document however, documents registered in paper may be referenced in an electronic document where appropriate. As evidence is not considered to be part of the electronic document, it cannot be viewed remotely. In addition, Law Statements cannot be indexed.

The availability of Statements 61 and 92 does not necessarily mean that registrants have the option to use these statements interchangeably or in all situations. For example, statement 92 is available on a Certificate document type but a Certificate of Action cannot be indexed.

These lists are not exhaustive and Land Registrars should continue to exercise discretion when considering an electronically registered document.



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