



Ontario

Ministry of
Consumer and
Commercial
Relations

Ministère de la
Consommation
et du
Commerce

Registration
Division

Division de
l'enregistrement

Suite 402, 4th Floor
393 University Avenue
Toronto, Ontario

M5G 4A6-
416-596-

XXXXXXXX 314-4881

16 October 1996

EM199607

MEMORANDUM TO: Regional Managers
Land Registrars

FROM: Kate Murray
Director of Titles

RE: **Correction Procedure for Making a Correction to the Parcel Register/Abstract Index**

Registry Act

Section 76 of the *Registry Act* prohibits any alteration or correction to any previously made entry except in the manner hereinafter provided:

When the land registrar becomes aware of any omission or error in recording or deleting, he/she shall:

- i) notify all persons who may be adversely affected by the entries alterations or corrections, and
- ii) make, date and sign the entries, alterations or corrections in the paper records, and in the automated records, date and certify the entry alteration or correction by entering the words "certified by" and the name and title of the authorized person certifying.

A sample notice under section 76 is attached to be used as a guideline when notice is to be served.

Land Titles Act

Under subsection 158 (1) of the *Land Titles Act* the land registrar may enter a caution to prevent dealing with land where it appears that an error has been made in an entry by misdescription of the land or otherwise. Under subsection 158(2), the land registrar may, before receipt of any conflicting instruments OR after notifying all persons interested and hearing all evidence as appears to the land registrar sufficient, correct an error or omission. (See section 158 for exact wording).

Where an error is discovered in a land titles parcel, whether automated or not, the land registrar must consider the nature of the error, and who would be adversely affected by correcting the error. If anyone could be adversely affected, the land registrar must then caution the parcel and serve notice on all possible persons who may be affected by a proposed correction. The notice must indicate that the land registrar has registered a caution and will make a correction, as described in the notice, by a date specified in the notice, unless, before that date, a written objection to the proposed correction is received in the office of the land registrar at the address specified. If objections are received, a hearing must be held by the land registrar and a decision, which is subject to an appeal to the court under section 26, is made. If no objections are received by that date, then the correction is made. Sometimes there is some urgency, and the affected parties are prepared to consent to the proposed correction. In this case, upon

receipt of the written consent of such parties, the correction can be made prior to the expiry of the time specified in the notice.

The correction is accomplished by issuing an order which specifies the correction to be made, which refers to the consent attached, or refers to the caution and notice sent, and to the fact that no objections were received, and which also orders that the caution be deleted. A precedent of a notice and an order are attached as a guideline for your use.

If no one could be adversely affected the correction can be made without notice in the manner described above.

Section 55 of Regulation 690, RRO 1990 provides that when a land registrar makes an amendment or deletion in a register, the land registrar shall date, and where the register is capable of being signed, sign the deletion or amendment, or date the deletion or amendment and certify it by entering the words "certified by" and the land registrar's name and title.

This procedure must be scrupulously followed when making any amendment to, or correction in, any entry in the records of the land registry office. This procedure equally applies to errors made in the records maintained in either the manual or the automated system.

Generally

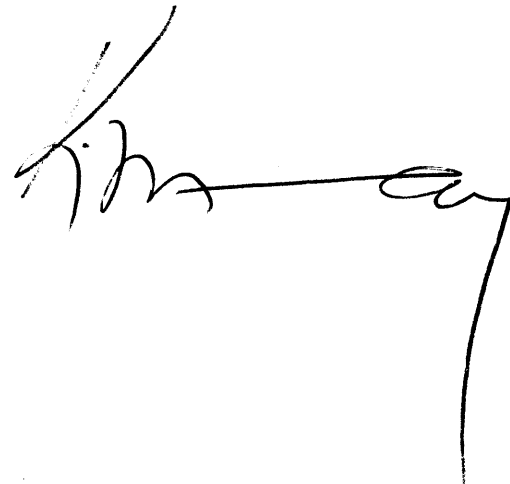
When an error is made during the automation and/or conversion of a parcel, a change/correction report must be completed and if there is any potential liability, an Errors and Omission report must be filed with the Director of Titles as soon as possible after the error is brought to the attention of the land registry office staff.

In all other instances, the land registrar may file an Errors and Omission report with the Director of Titles office, if there is a potential for a claim against the Land Titles Assurance Fund, or the Crown.

Please ensure all staff are aware of these procedures.

cc: Ian Veitch
Regional Surveyors
Head Office Managers
Legal Section
Larry Dalton

File: A:corproc.error

A large, stylized handwritten signature in black ink, located on the right side of the page. The signature is written in a cursive style and appears to be the name of the sender.

NOTICE
Subsection 76(2) of the Registry Act

IN THE MATTER OF(fill in complete legal description).....

AND IN THE MATTER OF a(fill in nature of document, e.g. mortgage).....between
.....(list parties)
registered on day of, 1996, as instrument number
against the above lands.

AND IN THE MATTER OF subsection 76(2), of the *Registry Act, R.S.O. 1990*.

WHEREAS it has come to my attention that (e.g. instrument numberwas not entered
on the abstract index for the above property.).....

NOW THEREFORE TAKE NOTICE THAT pursuant to subsection 76(2) of the *Registry Act* I
have this date(e.g. entered instrument number..... on the abstract index for the
above property).....

DATED at, this ----- of -----, 1996.

Land Registrar
Land Registry Office No. --
Address
Phone Number
Fax Number

Enclosures
Instrument number
Abstract Index

NOTICE TO:
(List names and addresses)

October 16, 1996

LAND REGISTRAR'S CAUTION
LAND TITLES ACT
Subsection 158(1) R.S.O. 1990, cL.5

Rectification of the Parcel Register
LAND TITLES DIVISION OF ----- (No. --)

WHEREAS it has come to my attention that, through an error, a certain easement was erroneously omitted from the description on Parcels ----- and -----, in the register for Section -----.

AND WHEREAS the said instruments were registered as numbers ----- and ----- in favour of -----.

I HEREBY ORDER THAT NO DEALINGS BE HAD WITH THE SAID PARCELS UNTIL THE REGISTER HAS BEEN CORRECTED.

DATED at ----- this ----- day of -----, 1996.

Land Registrar
Land Registry Office No. --

October 16, 1996

SAMPLE ONLY - MAY BE AMENDED TO BE USED IN APPROPRIATE SITUATIONS

NOTICE
LAND TITLES ACT
Subsection 158(2) R.S.O. 1990, cL.5

DATE

IN THE MATTER OF AN OMISSION in the entry of instrument numbers ----- and -----
in the registers for Parcels ----- and ----- Section -----.

WHEREAS it has come to my attention that there exists an error in that the instruments
registered as numbers ----- and ----- were not entered in the register for Parcels ----- and -
----- Section -----.

I HEREBY GIVE NOTICE that unless an objection is filed prior to ----(give 30 days notice)----
the register will be rectified. Alternatively, upon the receipt of letters of acknowledgement and
consent from all interested parties the corrections may be made prior to that date.

Land Registrar
Land Registry Office No. --
Address
Phone No.
Fax No.

October 16, 1996

SAMPLE ONLY - MAY BE AMENDED TO BE USED IN APPROPRIATE SITUATIONS

LAND REGISTRAR'S ORDER
LAND TITLES ACT
Subsection 158(2) R.S.O. 1990, cL.5

IN THE MATTER OF TITLE TO Parcels ----- and ----- Section ----- registered
in the name of -----.

UPON cautioning the above parcels, sending notice to the interested parties, and having received
no objections (or upon receipt of the consent of the interested parties to such correction),

I HEREBY ORDER that the parcel register for the above described parcels be amended by:

1. Adding instrument numbers ----- and ----- in favour of -----,
to Parcels ----- and ----- Section -----;
2. Deleting the Land Registrar's Caution registered as -----.

DATED at ----- this ----- day of -----, 1996.

Land Registrar
Land Registry Office No. --

October 16, 1996
