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Title and Survey Services Office

3 November, 2000

MEMO TO: Land Registry Offices
Business Improvement Team
Regional Managers

EM200004

FROM: Kate Murray
Director of Titles

RE: **Bulletin 2000-3**

Bulletin 2000-3 has raised a number of questions and this memo will assist you in applying it and will give you some background with regard to the effect of alterations to documents. Each land registry office must implement this bulletin in the same manner in order to maintain consistency among all land registry offices. It should be emphasized that Bulletin 2000-3 is a restatement of Bulletin 80019, originally issued on June 30, 1980, which was a current bulletin. There was only one change and that was that land registry office staff have been advised not to make any amendments to documents.

GENERAL RULES:

The bulletin should be reviewed concerning the rules. It must be emphasized however, that it is intended to address material alterations to documents. Other non-material alterations such as those addressed below are permitted. A material alteration is an alteration that may change the rights, liabilities or legal position of the parties, or otherwise varies the original legal effect of the document. An alteration such as filling in blanks, which is made after execution, with the consent of the party or parties, does not invalidate a document.

Material alterations to a document should be made by someone authorized by the person whose interest is being dealt with. As there is the possibility that an alteration may invalidate a document, it is established practice to obtain verification that an apparent material alteration to a document presented for registration was authorized by the proper party or parties. However, since it is difficult to establish firm guidelines which would not unduly interfere with the processing of land transactions, discretion may need to be exercised in determining whether a rejection is warranted.

Technically, statements, affidavits and declarations should only be amended by the party making the statement, affidavit or declaration. However, if the law firm stating their authority makes an amendment it may be accepted for registration. (e.g., signature or initials and name of law firm.)

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Staff are not required to verify that the registrant in fact has the authority to make the alteration, provided the registrant has complied with the requirements. It is up to the registrant to ensure they have the authority. If they initial or sign the alteration in the appropriate manner, then we will assume that they have the proper authority. It is our position that the onus is clearly on the party making the alteration and confirming to us by initialling or signing it, that they have the proper authority.

When reviewing a document which is found to have an error or omission, the whole document must be reviewed to minimize registrants having to return to the counter more than once. As I articulated at the recent Regional Meetings, clients should not be forced to come back to the counter multiple times. Although the staff are not to advise clients on how to amend the documents, they should clearly state what the discrepancy is.

The following are additional specific issues that have been raised.

MAILED IN REGISTRATIONS:

- Property Identification Numbers (PIN) - Employees should not be inserting PINs on mailed in documents or perform title searches on behalf of the clients. The client will either have to attend at the office or hire and authorize someone to search and insert the required PIN on his or her behalf.
- Discharges - If a discharge is accepted and everything is correct except the new municipality is omitted, the document may be fully processed and the charge deleted.
- Missing Prescribed Wording - the document must be returned for amendment.
- Page Number Missing - a staff member may insert the page number on a document.

OVER THE COUNTER REGISTRATIONS:

- Page Numbers Missing - registrants may insert or change the page numbers.
- Discharges - If a discharge is presented and the new municipality is omitted, the description may be amended by the registrant to include the new municipality. The amendment must be initialled if it is made at the counter.
- L.T. Wrong Owner or Description - employees should inform the client that the description or owner does not match the title. Depending upon the situation, the client may have to resubmit the document for registration. The only person that can make this type of amendment is either the client, or a person properly authorized to do so.


It could be appropriate for the registrant to alter a description which contains a clerical error or is missing a reference to a new township designation provided they have the proper authority.

- In addition, it may not be reasonable for a client to stand at the counter and make the alterations if there is a backlog or line up. Conversely, if the registrant has the authority to make the alteration and it can be accommodated at the counter, staff are authorized to allow this. However, it must be clear that the rules for alterations set out in the bulletin concerning initialling must be complied with.
- Registrants may insert a related registration number, e.g. power of attorney number, charge number, instrument numbers for easements created on division of properties, etc.
- Once the amendments are made to a document, they may be resubmitted for registration. The clerk who is checking the resubmitted document may assume that a properly authorized party has made the amendment. This includes all amendments to the content of the document, statements and affidavits.
- No document should be refused registration for having an incorrect assessment roll number. This applies to both documents received by mail and documents presented at the counter.

CORRECTIONS TO PREVIOUSLY REGISTERED DOCUMENTS:

- For documents that were registered prior to the issuance of the bulletin, land registry office staff should deal with the corrections as they would have prior to the implementation of the bulletin.
- Land registry office staff are not to make any amendments to a document even if the client authorizes the change over the phone. Depending upon the amendment, the proper authorized person or the client must attend at the office to make the change or, in some circumstance substitute a new completed form or affidavit.

Please make sure that the bulletin is available to clients and that a copy is posted in the public area of your office.



cc Ian Veitch
Head Office Staff
Regional Surveyors
Legal Services