

The Land Titles Conversion Facilitation Regulations

being

Chapter L-5.1 Reg 2 (effective July 30, 2001) as amended by Saskatchewan Regulation 55/2001, 104/2001, 96/2002 and 121/2003.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER L-5.1 REG 2

The Land Titles Act, 2000

Title

1 These regulations may be cited as *The Land Titles Conversion Facilitation Regulations*.

Interpretation

2 In these regulations, “**Act**” means *The Land Titles Act, 2000*.

10 Aug 2001 cL-5.1 Reg 3 s2.

Interpretation – electronic code

2.1 For the purposes of sections 2.2 and 2.3, “**electronic code**” means an electronic code imposed by the Registrar:

- (a) to link two or more parcels together so as to prevent those parcels from being individually dealt with in the land titles registry or abstract directory; or
- (b) to define the class of a parcel for the purposes of the land titles registry or abstract directory.

21 Nov 2003 SR 121/2003 s3.

Interpretation re section 97 of the Act

2.2 The following acts by the Registrar are not considered to be Registrar’s corrections under section 97 of the Act:

- (a) the addition, removal or alteration of an electronic code;
- (b) the addition or alteration of the name of a municipality on a title in the land titles registry or on a record in the abstract directory.

21 Nov 2003 SR 121/2003 s3.

Interpretation re section 99 of the Act

2.3 The imposition of an electronic code by the Registrar is not considered to be a Registrar’s prohibition under section 99 of the Act.

21 Nov 2003 SR 121/2003 s3.

3 Repealed. 4 Jan 2002 SR 104/2001 s3.

4 Repealed. 1 Nov 2002 SR 96/2002 s3.

5 Repealed. 1 Nov 2002 SR 96/2002 s3.

Interpretation re section 197 of the Act

6(1) For the purposes of section 197 of the Act, “**instrument**” does not include a power of attorney registered pursuant to the former Act:

- (a) in form X or a form to the like effect; or
- (b) in form Y or a form to the like effect.

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(2) For the purposes of clauses 197(1)(b) and (c) of the Act, an instrument is deemed to be registered against a converted title or converted interest only if:

- (a) after the title or supporting interest has been converted pursuant to the Act, an interest representing the instrument appears as a registered interest against the title or supporting registered interest; or
- (b) in accordance with section 97 of the Act, the Registrar, so far as is practicable without prejudicing rights obtained in good faith for value, has made a correction to reinstate the instrument as a registered interest against a title or supporting registered interest.

10 Aug 2001 cL-5.1 Reg 3 s6; 21 Nov 2003 SR 121/2003 s4.

Interpretation re section 70 of the Act

6.01 For the purposes of subsection 70(2) of the Act, a registration or filing is deemed to have been filed in the abstract directory only if:

- (a) the registration or filing appears in the abstract directory; or
- (b) in accordance with section 97 of the Act and sections 89 and 106 of *The Land Titles Regulations, 2001*, the Registrar, so far as is practicable without prejudicing rights obtained in good faith for value, has made a correction to reinstate the registration or filing as an interest filed in the abstract directory.

21 Nov 2003 SR 121/2003 s5.

Interpretation re section 199 of the Act

6.02(1) In this section, “**instrument**” means an instrument that, pursuant to the former Act, was endorsed on a certificate of title with respect to a leasehold estate in the surface.

(2) For the purposes of subsection 199(1) of the Act, a certificate of title with respect to a leasehold estate in the surface is deemed to be a registered interest based on a lease only if:

- (a) after title to the surface has been converted pursuant to the Act, an interest based on the lease appears as a registered interest against the converted surface title; or
- (b) in accordance with section 97 of the Act, the Registrar, so far as is practicable without prejudicing rights obtained in good faith for value, has made a correction to reinstate the lease as a registered interest based on a lease against the converted surface title.

(3) For the purposes of subsection 199(2) of the Act, an instrument is deemed to be an interest registered against a registered interest based on a lease only if:

- (a) after the registered interest based on the lease has been converted pursuant to subsection 199(1) of the Act, an interest representing the instrument appears as a registered interest against the registered interest based on the lease; or

(b) in accordance with section 97 of the Act, the Registrar, so far as is practicable without prejudicing rights obtained in good faith for value, has made a correction to reinstate the instrument as a registered interest against the registered interest based on the lease.

21 Nov 2003 SR 121/2003 s5.

6.1 Repealed. 1 Nov 2002 SR 96/2002 s4.

Special rules respecting priority of registration of writs and maintenance orders in an area not subject to a section 191 order

6.2(1) This section applies to areas of Saskatchewan not subject to an order made pursuant to section 191 of the Act.

(2) For the purposes of determining priority as between instruments submitted for registration in the writ registry, when more than one writ or maintenance order is to be endorsed on a certificate of title, the writs or maintenance orders are to be endorsed in the following order:

(a) writs or maintenance orders previously contained in the general record of the land registration district are to be endorsed first on the certificate of title in numerical order according to the serial number assigned to each writ or maintenance order; and

(b) any other writs or maintenance orders contained in the Saskatchewan Writ Registry are to be endorsed on title, after the writs or maintenance orders mentioned in clause (a), based on the priority assigned to each writ or maintenance order by the Saskatchewan Writ Registry as indicated by the date and time of registration in the Saskatchewan Writ Registry.

(3) A writ or maintenance order mentioned in clause (2)(a) has priority, and shall bind and form a lien and charge on the lands of the debtor, according to the date and with the priority assigned by that serial number.

(4) A writ or maintenance order mentioned in clause (2)(b):

(a) has priority according to the date and time assigned in the Saskatchewan Writ Registry; and

(b) shall bind and form a lien and charge on the lands of the debtor included in that certificate of title on its endorsement on that certificate of title.

10 Aug 2001 SR 55/2001 s2.

Special rules respecting withdrawal of writs and maintenance orders in an area not subject to a section 191 order

6.3(1) This section applies to areas of the province not subject to an order made pursuant to section 191 of the Act.

(2) Where a writ is to be partially withdrawn as to land, the judge's order or the certificate of the sheriff showing satisfaction or withdrawal of the writ as against any portion of the land bound by the writ must accompany every transaction relating to the land of the debtor affected by that order or certificate.

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(3) Where a maintenance order is to be partially withdrawn as to land, one of the following must accompany every transaction relating to land affected by the partial withdrawal:

- (a) the order or judgment directing release of the affected land;
- (b) the Director of Maintenance Enforcement's release of the affected land; or
- (c) claimant's release of the affected land and the written consent of the Director of Maintenance Enforcement to that release.

(4) Where a certificate of title has been issued in the name of the debtor, and the writ or maintenance order endorsed on the certificate of title, the Registrar:

- (a) shall record the withdrawal on the certificate of title; and
- (b) shall record the withdrawal as an instrument in the instrument register.

10 Aug 2001 SR 55/2001 s2.

Rules respecting priority of registration of writs and maintenance orders in an area subject to a section 191 order

6.4(1) This section applies to areas of the province subject to an order made pursuant to section 191 of the Act.

(2) **Repealed.** 4 Jan 2002 SR 104/2001 s4.

(3) Where more than one interest based on a writ or maintenance order registered in the Saskatchewan Writ Registry is registered in the land titles registry pursuant to section 172 of the Act, that interest is deemed to be registered against the title or interest based on the order assigned by the Saskatchewan Writ Registry, as indicated by the time of registration in the Saskatchewan Writ Registry, regardless of the order in which that interest appears.

(4) In subsection (5):

(a) **"writ or maintenance order"** means a writ or maintenance order that was:

(i) filed after January 1, 1998 in the general record of the land titles office of:

- (A) the former Regina Area Land Registration District; or
- (B) the former Regina South East Land Registration District; and

(ii) registered in the writ registry in accordance with clause 167(1)(a) of the Act;

(b) **"title"** means a title derived from a certificate of title that was:

(i) issued before January 1, 1998 for land that was located within the former Regina Land Registration District; and

(ii) cancelled on the making of an order pursuant to section 191 of the Act.

(5) Subject to subsections 167(3) and (4) of the Act, where a writ or maintenance order mentioned in clause (4)(a) of this section is registered in the land titles registry as an interest against a title, that interest is deemed to be registered at the time the title was issued:

- (a) where:
 - (i) the certificate of title mentioned in clause (4)(b) was for land located within the former Regina Area Land Registration District; and
 - (ii) the writ or maintenance order was filed in the general record of the former Regina South East Land Registration District; or
- (b) where:
 - (i) the certificate of title mentioned in clause (4)(b) was for land located within the former Regina South East Land Registration District; and
 - (ii) the writ or maintenance order mentioned in clause (4)(a) was filed in the general record of the former Regina Area Land Registration District.

10 Aug 2001 SR 55/2001 s2; 4 Jan 2002 SR 104/2001 s4.

Vesting orders

6.5(1) On application to the court, if the judge hearing the application considers it appropriate to do so, the judge may make an order:

- (a) directing that a title be vested in any person; and
 - (b) either:
 - (i) directing the Registrar to transfer title or to make changes to a title; or
 - (ii) authorizing any person to apply to the Registrar to transfer title or to make changes to a title.
- (2) An order may be made pursuant to subsection (1):
- (a) on any notice that the judge considers appropriate; or
 - (b) without notice if in judge's opinion the circumstances warrant it.

1 Nov 2002 SR 96/2002 s5.

Conversion of mineral titles

6.6(1) For the purposes of section 195 of the Act, a certificate of title for surface that is silent as to whether or not mines and minerals or any mineral commodities are included in the title, and that was in existence on the day before the coming into force of an order made pursuant to section 191 of the Act, is converted to and deemed to be:

- (a) with respect to the surface, a surface title issued pursuant to section 12 of the Act; and

- (b) with respect to the mines and minerals, an uncertified mineral title for the mineral commodity or commodities in the mineral parcel, in the name of the owner of the surface title, notwithstanding that no mineral title is issued for the mineral commodity or commodities in the mineral parcel pursuant to section 12 of the Act.
- (2) Subject to subsection (3), any transfer of or other dealing with a surface title mentioned in clause (1)(a) is deemed to include a transfer of or dealing with any mineral title mentioned in clause (1)(b).
- (3) Subsection (2) does not apply:
- (a) after a mineral title has been issued for the mineral commodity or commodities in the mineral parcel pursuant to section 12 of the Act; or
- (b) if the Registrar conducts a search and examination of the records of the land titles registry pursuant to clause 17(3)(a) of the Act with respect to an uncertified mineral title deemed to have been issued pursuant to clause (1)(b), and determines:
- (i) that the owner of all or any mineral commodities in the mineral parcel is different than the owner of the surface parcel, with respect to those mineral commodities; or
- (ii) that all or any of the mineral commodities in the mineral parcel have not been the subject of a Crown grant within the meaning of subclause 2(1)(l)(ii) of the Act, with respect to those mineral commodities.
- (4) Notwithstanding clause 195(1)(c) of the Act, if the Registrar is satisfied that the purported ownership of any mineral commodity is correct, a mineral title that is issued pursuant to clause (3)(a) is converted to and deemed to be a mineral title issued pursuant to section 12 of the Act.

1 Nov 2002 SR 96/2002 s5.

Coming into force

- 7(1) Subject to subsection (2), these regulations come into force on the day on which *The Land Titles Act, 2000* comes into force.
- (2) If these regulations are filed with the Registrar of Regulations after the day on which *The Land Titles Act, 2000* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations but are retroactive and are deemed to have been in force on and from the day on which *The Land Titles Act, 2000* came into force.

10 Aug 2001 cL-5.1 Reg 3 s7.