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Electronic Land Registration Services Act, 2010

[S.O. 2010, CHAPTER 1](https://www.ontario.ca/laws/statute/s10001)  
Schedule 6

**Consolidation Period:** From July 1, 2019 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2019, c. 7, Sched. 17, s. 63](http://www.ontario.ca/laws/statute/S19007" \l "sched17s63).

Legislative History: [2019, c. 7, Sched. 17, s. 63](http://www.ontario.ca/laws/statute/S19007" \l "sched17s63).

Definitions

**1** In this Act,

“Commissioner” means the Electronic Land Registration Services Commissioner appointed under section 3; (“commissaire”)

“minister” means a minister of the Crown who enters into a service provider agreement on behalf of the Crown in right of Ontario; (“ministre”)

“service provider” means a person who has entered into a service provider agreement with the Crown in right of Ontario; (“fournisseur de services”)

“service provider agreement” means an agreement entered into under subsection 2 (1). (“accord de services”) 2010, c. 1, Sched. 6, s. 1.

Service Provider Agreements

Service provider agreements authorized

**2** (1)  The Minister of Government Services, the Attorney General or such other minister of the Crown as may be designated by order of the Lieutenant Governor in Council may, on behalf of the Crown in right of Ontario, enter into one or more agreements,

(a) for the provision of such land registration and related services as may be specified in the agreement;

(b) for the provision of such services related to writs of execution as may be specified in the agreement;

(c) for granting a licence to a service provider to access, use, copy, sell and otherwise deal with the land registration and writs data specified in the agreement with the service provider; and

(d) authorizing or requiring a service provider to grant sublicences to third parties to access, use, copy, sell and otherwise deal with the land registration and writs data specified in the agreement with the service provider. 2010, c. 1, Sched. 6, s. 2 (1).

Terms and conditions

(2)  A minister may determine the terms and conditions of a service provider agreement, including, without limitation, terms and conditions,

(a) providing whether the agreement or licence will be exclusive or non-exclusive;

(b) establishing the length of the term of the agreement or agreements, including a perpetual term;

(c) establishing the amounts payable by a service provider, including amounts intended to defray the Province of Ontario’s continuing cost of administering the land registration and writs systems;

(d) relating to sublicensing; and

(e) relating to dispute resolution and arbitration in respect of any dispute between a service provider and the Province of Ontario or between a service provider and a third party. 2010, c. 1, Sched. 6, s. 2 (2).

Fees

(3)  A minister may in a service provider agreement,

(a) authorize the service provider to collect fees established under the Land Titles Act, the Land Registration Reform Act,the Registry Act, the Administration of Justice Act and such other Acts as may be designated by a regulation made under this section for its own account or on behalf of the Province of Ontario; and

(b) establish fees in addition to the fees referred to in clause (a) and authorize the service provider to collect and retain such fees for its own account. 2010, c. 1, Sched. 6, s. 2 (3).

Fees to be specified in orders

(4)  The minister who enters into a service provider agreement shall cause any fees established under clause (3) (b) to be specified in an order under paragraph 19 of subsection 163.1 (1) of the Land Titles Act, paragraph 17 of subsection 101.1 (1) of the Registry Actand section 13.1 of the Land Registration Reform Act. 2010, c. 1, Sched. 6, s. 2 (4).

Fee retention

(5)  The fees that the service provider collects for its own account pursuant to a service provider agreement described in subsection (3) is revenue belonging to the service provider and is not public money within the meaning of the Financial Administration Act. 2010, c. 1, Sched. 6, s. 2 (5).

Not Crown agent

(6)  A service provider is not an agent of the Crown except as may be provided in the service provider agreement. 2010, c. 1, Sched. 6, s. 2 (6).

Duty to collect and remit taxes not affected

(7)  This section does not apply so as to relieve a service provider from any duty to collect and remit to the Province of Ontario land transfer taxes, sales taxes or other taxes or other amounts collected on behalf of the Province pursuant to a service provider agreement. 2010, c. 1, Sched. 6, s. 2 (7).

Regulations

(8)  The Lieutenant Governor in Council may make regulations designating Acts for the purposes of clause (3) (a). 2010, c. 1, Sched. 6, s. 2 (8).

Electronic Land Registration Services Commissioner

Appointment of Commissioner

**3** (1)  The Lieutenant Governor in Council, having regard to the service provider agreements, may appoint, for a term not exceeding three years, an individual to perform the duties and exercise the powers of the Commissioner set out in this section and sections 4 and 5. 2010, c. 1, Sched. 6, s. 3 (1).

Title

(2)  The person appointed under subsection (1) shall be known in English as the Electronic Land Registration Services Commissioner and in French as commissaire aux services d’enregistrement immobilier électronique. 2010, c. 1, Sched. 6, s. 3 (2).

Renewal of appointment

(3)  The term of office of the Commissioner may be renewed for additional terms of office not exceeding three years. 2010, c. 1, Sched. 6, s. 3 (3).

Acting Commissioner

(4)  If the Commissioner is absent or unable to act or the office becomes vacant, the Deputy Minister of Government Services, having regard to the service provider agreements, may designate, in writing, a person to exercise the powers and perform the functions of the Commissioner while the Commissioner is absent or unable to act or while the office is vacant and, while acting in that capacity, the designate has all the powers of the Commissioner, subject to any conditions, limitations or restrictions set out in the designation. 2010, c. 1, Sched. 6, s. 3 (4).

Remuneration, etc.

(5)  The Lieutenant Governor in Council may fix the remuneration and allowance for expenses of the Commissioner. 2010, c. 1, Sched. 6, s. 3 (5).

Duties

(6)  It is the duty of the Commissioner, subject to the applicable service provider agreement,

(a) to investigate disputes filed with his or her office related to the provision of land registration services or to the provision of writs services provided by the service provider under the service provider agreement and attempt to resolve such disputes; and

(b) to perform such other duties as the Minister of Government Services may assign to the Commissioner or as may be assigned to him or her under any other Act. 2010, c. 1, Sched. 6, s. 3 (6).

Annual report

(7)  The Commissioner shall prepare and submit to the Minister of Government Services and to the Attorney General an annual report on the Commissioner’s activities in the preceding year. 2010, c. 1, Sched. 6, s. 3 (7).

Employees, office space, etc.

(8)  The Commissioner may employ such employees, rent such space and purchase or lease such equipment and do such other things as are considered necessary for the efficient operation of his or her office. 2010, c. 1, Sched. 6, s. 3 (8).

Appropriation

(9)  Money required for the purposes of subsection (8) before April 1, 2011 shall be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the money appropriated for that purpose by the Legislature. 2010, c. 1, Sched. 6, s. 3 (9).

Not Crown employees or agents

(10)  The Commissioner and the persons employed by or in his or her office are not employees or agents of the Crown. 2010, c. 1, Sched. 6, s. 3 (10).

Immunity

(11)  No proceeding shall be commenced against the Commissioner or any person employed by or in his or her office for any act done or omitted in good faith in the execution or intended execution of his or her duties under this Act. 2010, c. 1, Sched. 6, s. 3 (11).

Crown liability

(12)  Despite subsection 8 (3) of the Crown Liability and Proceedings Act, 2019, subsection (11) does not relieve the Crown of any liability to which the Crown would otherwise be subject. 2010, c. 1, Sched. 6, s. 3 (12); 2019, c. 7, Sched. 17, s. 63.

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 17, s. 63](http://www.ontario.ca/laws/statute/S19007" \l "sched17s63) - 01/07/2019

Access to records

**4** (1)  A service provider shall provide the Commissioner with access to all records of the service provider that the Commissioner requires in order to perform his or her duties under this or any other Act. 2010, c. 1, Sched. 6, s. 4 (1).

Privileged documents

(2)  Despite subsection (1), the Commissioner shall not require a service provider to provide access to any record that is subject to lawyer-client privilege. 2010, c. 1, Sched. 6, s. 4 (2).

No waiver of privilege

(3)  A disclosure to the Commissioner by a service provider does not constitute a waiver of any legal privilege, including lawyer-client privilege. 2010, c. 1, Sched. 6, s. 4 (3).

Confidentiality

**5** (1)  The Commissioner shall maintain in confidence all records and information that have been provided to him or her in confidence by a service provider or by a complainant, including any records created by the Commissioner that would reveal any confidential record or information that has been provided to him or her by the service provider or a complainant. 2010, c. 1, Sched. 6, s. 5 (1).

Conflict with FIPPA

(2)  Subsection (1) prevails over any provision of the Freedom of Information and Protection of Privacy Act. 2010, c. 1, Sched. 6, s. 5 (2).

Permitted disclosure

(3)  Despite subsection (1), the Commissioner may,

(a) disclose to any person any written recommendation the Commissioner has made to a service provider, including any information in the written recommendation that the Commissioner views is reasonably necessary in order to explain the reasons for his or her recommendation; and

(b) disclose any information in his or her annual report to the Minister of Government Services and the Attorney General that the Commissioner views is reasonably necessary to include in order to report on his or her activities. 2010, c. 1, Sched. 6, s. 5 (3).

Commissioner, etc., not compellable

**6** Neither the Commissioner nor any person employed by or in his or her office is a competent or compellable witness in a civil proceeding respecting any information given or obtained, statements made or received, or records or other things produced or received under this Act. 2010, c. 1, Sched. 6, s. 6.

Arbitration

Duty to enter arbitration agreement

**7** (1)  If a service provider agreement requires that a service provider enter into an arbitration agreement with a third party, the service provider shall enter into the arbitration agreement with the third party on such terms and conditions as are set out in the service provider agreement. 2010, c. 1, Sched. 6, s. 7 (1).

Powers of arbitrator

(2)  An arbitrator appointed pursuant to an arbitration agreement referred to in subsection (1) has the authority to settle all disputes contemplated in the arbitration agreement, including the authority to impose the terms and conditions of agreements between the service provider and the third party in accordance with the terms of the arbitration agreement. 2010, c. 1, Sched. 6, s. 7 (2).

8-11Omitted (amends, repeals or revokes other legislation). 2010, c. 1, Sched. 6, ss. 8-11.

12Omitted (provides for coming into force of provisions of this Act). 2010, c. 1, Sched. 6, s. 12.

13Omitted (enacts short title of this Act). 2010, c. 1, Sched. 6, s. 13.

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