[Français](http://www.ontario.ca/fr/lois/loi/90r20)

Registry Act

R.S.O. 1990, CHAPTER R.20

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Definitions

**1** In this Act,

“certificate of amalgamation of loan corporations” includes a certificate issued by the Superintendent of Deposit Institutions under section 24 of the Loan and Trust Corporations Act and of any document mentioned in such certificate and a certificate issued for the purpose of registration under any Act of the Legislature authorizing or ratifying an agreement for the purchase and sale of the assets, or for the amalgamation of loan corporations; (“certificat de fusion de sociétés de prêt”)

“certification area” means an area of land designated as such by regulation; (“zone de certification”)

“Director” means the Director of Land Registration appointed under section 6; (“directeur”)

“Director of Titles” means the Director of Titles appointed under section 9 of the Land Titles Act; (“directeur des droits immobiliers”)

“examiner of surveys” means the examiner of surveys appointed under section 14 of the Land Titles Act; (“inspecteur des arpentages”)

“facsimile” means an accurate reproduction of a book, instrument, document or record and includes a print from microfilm and a printed copy generated by or produced from a computer record; (“fac-similé”)

“instrument” includes every instrument whereby title to land in Ontario may be transferred, disposed of, charged, encumbered or affected in any other way, and, without limiting the generality of the foregoing, includes any instrument mentioned in subsection 18 (6) and a Crown grant of Canada and of Ontario, a deed, conveyance, mortgage, assignment of mortgage, certificate of discharge of mortgage, assurance, lease, release, discharge, agreement for the sale or purchase of land, caution under the Estates Administration Act or renewal or withdrawal thereof, municipal by-law, certificate of proceedings in any court, judgment or order of foreclosure and every other certificate of judgment or order of any court affecting any interest in or title to land, and a certificate of payment of taxes granted under the corporate seal of any municipality by the treasurer, a sheriff’s and treasurer’s deed of land sold by virtue of his or her office, a contract in writing, every order and proceeding in bankruptcy and insolvency, a plan of a survey or subdivision of land, and every notice, caution and other instrument registered in compliance with an Act of Canada or Ontario; (“acte”)

“land” means land, tenements, hereditaments and appurtenances and any estate or interest therein; (“bien-fonds”)

“land registrar” means a land registrar appointed under section 9; (“registrateur”)

“letters probate” includes letters testamentary or a similar grant based on a will proven before a court having jurisdiction in probate matters outside Ontario; (“lettres d’homologation”)

“local description” means a description of land drawn in accordance with the regulations; (“description particulière”)

“Minister” means the Minister of Government Services or whatever other member of the Executive Council to whom administration for this Act is assigned under the Executive Council Act; (“ministre”)

“notarial” includes prothonotarial; (“notarié”)

“photographic film” includes any photographic plate, microphotographic film or photocopy negative; (“pellicule photographique”)

“plan of subdivision” means a plan by which the owner of land divides the land into areas designated on the plan, but does not include a plan under the Cemeteries Act or the Expropriations Act or any predecessor of such Acts; (“plan de lotissement”)

“prescribed” means prescribed by this Act or the regulations; (“prescrit”)

“property” means land designated as a property under subsection 21 (2) or (4); (“unité foncière”)

“registered” means registered under this Act; (“enregistré”)

“regulations” means the regulations made under this Act; (“règlements”)

“surveyor” means a member of the Association of Ontario Land Surveyors who is authorized under the Surveyors Act to engage in the practice of cadastral surveying in Ontario; (“arpenteur-géomètre”)

“will” means a will as defined in the Succession Law Reform Act. (“testament”) R.S.O. 1990, c. R.20, s. 1; 2001, c. 9, Sched. D, s. 13; 2009, c. 33, Sched. 22, s. 10; 2012, c. 8, Sched. 51, s. 1 (5).

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

[2001, c. 9, Sched. D, s. 13](http://www.ontario.ca/laws/statute/S01009" \l "schedds13) - 29/06/2001

[2009, c. 33, Sched. 22, s. 10](http://www.ontario.ca/laws/statute/S09033" \l "sched22s10) - 15/12/2009

[2012, c. 8, Sched. 51, s. 1 (1-4)](http://www.ontario.ca/laws/statute/S12008" \l "sched51s1s1) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022; [2012, c. 8, Sched. 51, s. 1 (5)](http://www.ontario.ca/laws/statute/S12008" \l "sched51s1s5) - 13/10/2020

Minister responsible

**2** The Minister of Consumer and Business Services is responsible for the administration of this Act. R.S.O. 1990, c. R.20, s. 2; 2001, c. 9, Sched. D, s. 13.

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

[2001, c. 9, Sched. D, s. 13](http://www.ontario.ca/laws/statute/S01009" \l "schedds13) - 29/06/2001

[2012, c. 8, Sched. 51, s. 2](http://www.ontario.ca/laws/statute/S12008" \l "sched51s2) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

PART I  
ORGANIZATION AND ADMINISTRATION

Application of *Land Titles Act*

**3** Subject to the Land Titles Act, after a certificate of the first registration of the owner under that Act has been registered as specified by that Act, this Act ceases to apply to the land mentioned in the certificate. R.S.O. 1990, c. R.20, s. 3; 1998, c. 18, Sched. E, s. 207.

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

1998, c. 18, Sched. E, s. 207 - 18/12/1998

[2012, c. 8, Sched. 51, s. 3](http://www.ontario.ca/laws/statute/S12008" \l "sched51s3) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Registry divisions

**4** (1)  Subject to the provisions of this Act and except where otherwise expressly provided in any general or special Act or Order in Council, the registry divisions as they existed on the 14th day of April, 1925, are the registry divisions of the Province of Ontario for the purposes of this Act and no alteration in the boundaries of any riding, electoral district or municipality alters or affects the boundaries of any registry division. R.S.O. 1990, c. R.20, s. 4 (1).

Changes in registry divisions

(2)  The Minister may, by regulation, make any change in the boundaries of the registry divisions. 2012, c. 8, Sched. 51, s. 4.

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

1998, c. 18, Sched. E, s. 208 (1, 2) - 18/12/1998

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs1s1) - 01/01/2003

[2012, c. 8, Sched. 51, s. 4](http://www.ontario.ca/laws/statute/S12008" \l "sched51s4) - 01/09/2016

**5** Repealed: 2012, c. 8, Sched. 51, s. 5.

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

1998, c. 18, Sched. E, s. 209 (1, 2) - 18/12/1998

[2012, c. 8, Sched. 51, s. 5](http://www.ontario.ca/laws/statute/S12008" \l "sched51s5) - 01/09/2016

Director of Land Registration

**6** (1)  The Deputy Minister may appoint a public servant employed under Part III of the Public Service of Ontario Act, 2006 to be the Director of Land Registration. R.S.O. 1990, c. R.20, s. 6 (1); 1998, c. 18, Sched. E, s. 210 (1); 2006, c. 35, Sched. C, s. 115 (1).

Duties

(2)  The Director has general supervision and control over land registry offices and the system for registration therein. R.S.O. 1990, c. R.20, s. 6 (2); 1998, c. 18, Sched. E, s. 210 (2).

Powers of land registrars

(3)  The Director or a representative of the Director may exercise any power or perform any duty of a land registrar under this or any other Act if of the opinion, having regard to the circumstances, that such action is necessary or appropriate. 1998, c. 18, Sched. E, s. 210 (3).

(4)  Repealed: 1998, c. 18, Sched. E, s. 210 (3).

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

1998, c. 18, Sched. E, s. 210 (1-3) - 18/12/1998

[2006, c. 35, Sched. C, s. 115 (1)](http://www.ontario.ca/laws/statute/S06035" \l "schedcs115s1) - 20/08/2007

[2012, c. 8, Sched. 51, s. 6](http://www.ontario.ca/laws/statute/S12008" \l "sched51s6) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Transfer of functions to Director of Titles

**7** (1)  The Minister may make regulations transferring any function of the Director of Land Registration under any Act to the Director of Titles. R.S.O. 1990, c. R.20, s. 7 (1).

Where transfer not exclusive

(2)  A transfer of a function in a regulation made under subsection (1) may, where it expressly so states, retain to the Director of Land Registration concurrent authority to perform the function transferred. R.S.O. 1990, c. R.20, s. 7 (2).

Statutory references

(3)  A regulation made under subsection (1) shall identify each function to be transferred by citing the relevant statutory provision. R.S.O. 1990, c. R.20, s. 7 (3).

Deemed amendments

(4)  Where a function has been transferred, the statutory provision cited and the related provisions of any regulation shall thereafter be read and construed as though “Director of Titles” had been substituted for “Director of Land Registration”. R.S.O. 1990, c. R.20, s. 7 (4).

Idem

(5)  Where a function has been transferred and subsection (2) applies, the statutory provision cited and the related provisions of any regulation shall thereafter be read and construed as though “Director of Land Registration or Director of Titles” had been substituted for “Director of Land Registration”. R.S.O. 1990, c. R.20, s. 7 (5).

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

[2012, c. 8, Sched. 51, s. 6](http://www.ontario.ca/laws/statute/S12008" \l "sched51s6) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Representatives of Director

**8** The Director may appoint as his or her representatives one or more public servants employed under Part III of the Public Service of Ontario Act, 2006, and the Director may delegate to a representative such powers and duties under this or any other Act as the Director may specify. 2006, c. 35, Sched. C, s. 115 (2).

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

1998, c. 18, Sched. E, s. 211 - 18/12/1998

[2006, c. 35, Sched. C, s. 115 (2)](http://www.ontario.ca/laws/statute/S06035" \l "schedcs115s2) - 20/08/2007

[2012, c. 8, Sched. 51, s. 6](http://www.ontario.ca/laws/statute/S12008" \l "sched51s6) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Land registrars

**9** (1)  Subject to subsection (2), the Director may appoint public servants employed under Part III of the Public Service of Ontario Act, 2006 as land registrars. 1998, c. 18, Sched. E, s. 211; 2006, c. 35, Sched. C, s. 115 (3).

Number

(2)  The Director shall appoint a land registrar for every registry division and every land titles division. 1998, c. 18, Sched. E, s. 211.

Form of appointment

(3)  Every appointment mentioned in subsection (2) shall be for a specific division or divisions. 1998, c. 18, Sched. E, s. 211.

Representatives

(4)  A land registrar for a registry division may appoint as his or her representatives one or more public servants employed under Part III of the Public Service of Ontario Act, 2006, and the land registrar may delegate to a representative such powers and duties under this Act as the registrar may specify. 2006, c. 35, Sched. C, s. 115 (4).

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

1998, c. 18, Sched. E, s. 211 - 18/12/1998

[2006, c. 35, Sched. C, s. 115 (3, 4)](http://www.ontario.ca/laws/statute/S06035" \l "schedcs115s3) - 20/08/2007

[2012, c. 8, Sched. 51, s. 6](http://www.ontario.ca/laws/statute/S12008" \l "sched51s6) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

**10** Repealed: 1998, c. 18, Sched. E, s. 211.

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

1998, c. 18, Sched. E, s. 211 - 18/12/1998

**11** Repealed: 1998, c. 18, Sched. E, s. 211.

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

1998, c. 18, Sched. E, s. 211 - 18/12/1998

Land registry offices

**12** (1)  Every registry office, including every combined registry and land titles office, shall be known as a land registry office. R.S.O. 1990, c. R.20, s. 12 (1).

Registry system

(2)  The system of registration under this Act shall be known as the registry system. R.S.O. 1990, c. R.20, s. 12 (2).

Time for registration of instruments

**13** (1)  The Director may by order specify the days and hours during which instruments may be received for registration; no instruments may be received for registration outside those days and hours except if,

(a) the Director by order specifies that instruments may be received for registration outside those days and hours; and

(b) the registrations are made in accordance with the conditions, if any, set out in the Director’s order mentioned in clause (a). 2012, c. 8, Sched. 51, s. 7 (1).

(2)-(5)  Repealed: 2012, c. 8, Sched. 51, s. 7 (1).

Scope of orders

(6)  An order that the Director makes under this section may be limited to one or more land registry offices for one or more registry divisions. 1998, c. 18, Sched. E, s. 212.

Not regulations

(7)  An order that the Director makes under this section is not a regulation within the meaning of Part III (Regulations) of the Legislation Act, 2006. 1998, c. 18, Sched. E, s. 212; 2006, c. 21, Sched. F, s. 136 (1).

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

1998, c. 18, Sched. E, s. 212 - 18/12/1998

[2006, c. 21, Sched. F, s. 130](http://www.ontario.ca/laws/statute/S06021" \l "schedfs130) - 25/07/2007; [2006, c. 21, Sched. F, s. 136 (1)](http://www.ontario.ca/laws/statute/S06021" \l "schedfs136s1) - 25/07/2007; [2006, c. 35, Sched. C, s. 115 (5)](http://www.ontario.ca/laws/statute/S06035" \l "schedcs115s5) - 20/08/2007

[2012, c. 8, Sched. 51, s. 7 (1)](http://www.ontario.ca/laws/statute/S12008" \l "sched51s7s1) - 13/10/2020; [2012, c. 8, Sched. 51, s. 7 (2)](http://www.ontario.ca/laws/statute/S12008" \l "sched51s7s2) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

**14** Repealed: 1998, c. 18, Sched. E, s. 213.

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

1998, c. 18, Sched. E, s. 213 - 16/02/1999

Production of documents

**15** (1)  Instruments, documents, books, records or a facsimile of them shall be produced for inspection and copying, and certified copies of them shall be provided upon payment of the required fee and in the manner specified by the Director. 2012, c. 8, Sched. 51, s. 8.

Hours and days

(2)  The Director may specify minimum hours and days for the purposes of subsection (1). 2012, c. 8, Sched. 51, s. 8.

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

1994, c. 27, s. 99 (1) - 09/12/1994; 1998, c. 18, Sched. E, s. 214 (1-3) - 18/12/1998; 1999, c. 12, Sched. F, s. 34 - 22/12/1999

[2012, c. 8, Sched. 51, s. 8](http://www.ontario.ca/laws/statute/S12008" \l "sched51s8) - 13/10/2020

Computer printout, etc., admissible in evidence

**16** (1)  Where a registered instrument, a document deposited under Part II or a written record of a land registry office is recorded electronically or on a magnetic medium, any writing that,

(a) represents the instrument, document or record;

(b) is generated by or produced from the electronic record or magnetic medium; and

(c) is in a readily understandable form,

is admissible in evidence to the same extent as the original instrument, document or record. R.S.O. 1990, c. R.20, s. 16 (1).

Idem

(2)  Where a record of a land registry office is recorded electronically or on a magnetic medium and there is no original written record that corresponds to the record, any writing that,

(a) represents the record;

(b) is generated by or produced from the electronic record or magnetic medium; and

(c) is in a readily understandable form,

is admissible in evidence to the same extent as the record would be if it were an original written record. R.S.O. 1990, c. R.20, s. 16 (2).

Production of originals upon order of judge

**17** (1)  Repealed: 1998, c. 18, Sched. E, s. 215 (1).

(2)  Repealed: 1998, c. 18, Sched. E, s. 215 (1).

Production of originals upon order of judge

(3)  A judge of a court in Ontario may, for the purposes of a hearing, order a land registrar to produce any instrument or document in his or her custody where, in the opinion of the judge, a certified copy thereof is not sufficient. R.S.O. 1990, c. R.20, s. 17 (3).

Delivery

(4)  Upon receipt of an order under subsection (3) and the required fee for a certified copy of the instrument or document required by the order to be produced, the land registrar shall prepare a certified copy of the instrument or document and deliver the original instrument or document to the person named in the order. R.S.O. 1990, c. R.20, s. 17 (4); 1998, c. 18, Sched. E, s. 215 (2).

Substituting a copy

(5)  The land registrar shall attach the order to the certified copy and shall file the copy in his or her office in place of the original instrument or document until the original has been returned. R.S.O. 1990, c. R.20, s. 17 (5).

Return of documents to land registrar

(6)  Despite subsection 54 (2) of the Evidence Act, an instrument or document produced by a land registrar under this section shall be returned to the custody of the land registrar after the final disposition of the cause or action to which it pertains. R.S.O. 1990, c. R.20, s. 17 (6).

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

1998, c. 18, Sched. E, s. 215 (1, 2) - 18/12/1998

[2012, c. 8, Sched. 51, s. 9](http://www.ontario.ca/laws/statute/S12008" \l "sched51s9) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Records of Office

By-law index and general register index

**18** (1)  The land registrar shall keep a by-law index in which he or she shall enter the registration number of every by-law registered after the 1st day of January, 1963, the number of the by-law, the name of the municipality and the title of the by-law. R.S.O. 1990, c. R.20, s. 18 (1).

By-law to contain description of land

(2)  No by-law that directly affects the title to land shall be registered unless it contains a local description of the land affected. R.S.O. 1990, c. R.20, s. 18 (2).

Authentication of by-laws

(3)  A by-law of a municipality may be registered by the production of a duplicate original or a copy of the by-law certified by the clerk of the municipality under its seal. R.S.O. 1990, c. R.20, s. 18 (3).

Order of Ontario Land Tribunal, etc.

(4)  An order of the Ontario Land Tribunal or other instrument registered under section 68 shall be recorded in the by-law index. R.S.O. 1990, c. R.20, s. 18 (4); 2021, c. 4, Sched. 6, s. 85 (1).

No entry of by-law, etc., in general register

(5)  No entry in respect of an order of the Ontario Land Tribunal or other instrument registered under section 68 or of a by-law shall be made in the general register index. R.S.O. 1990, c. R.20, s. 18 (5); 2021, c. 4, Sched. 6, s. 85 (1).

General registrations

(6)  The following instruments when received for registration shall be registered as general registrations and, except as otherwise provided in this Act, shall not be recorded in the abstract index:

1. Wills or notarial copies of them.

2. Letters probate or notarial copies of them.

3. Letters of administration or notarial copies of them.

4. General appointments of new trustees or notarial copies of those appointments.

5. Certificates or certified or notarial copies of judgments or of court orders appointing or removing executors, administrators, guardians or trustees.

6. Certificates or certified or notarial copies of orders made under the Substitute Decisions Act, 1992 or the Mental Health Act.

7. Certificates, certified or notarial copies of orders of change of name by an Ontario court and certificates of change of name issued by the Registrar General.

8. Powers of attorney or revocations of them, or notarial copies of powers of attorney or those revocations.

9. Orders in council of Canada or Ontario, or certified copies thereof, not containing local descriptions.

10. Notarial copies of,

i. letters patent or certificates of incorporation,

ii. supplementary letters patent or certificates, or

iii. certificates of continuance.

11. Notarial copies of letters patent or certificates changing names of corporations or amalgamating corporations.

12. Notarial copies of certificates of amalgamation of loan or trust corporations.

13. Notarial copies of extra-provincial licences under the Extra-Provincial Corporations Act.

14. General bars of dower.

15. Notarial copies of licences in mortmain.

16. Certificates of appointment of estate trustees or notarial copies of those certificates.

17. Certificates of appointment of statutory guardians under the Substitute Decisions Act, 1992 or notarial copies of those certificates.

17.1 General conveyances and transfers of assets of a corporation to another corporation.

18. Instruments of a class prescribed by the Minister. R.S.O. 1990, c. R.20, s. 18 (6); 1993, c. 27, Sched.; 1998, c. 18, Sched. E, s. 216 (1, 2); 1999, c. 12, Sched. F, s. 35; 2000, c. 26, Sched. B, s. 17 (1); 2009, c. 33, Sched. 2, s. 64 (1).

Idem

(7)  Where, under subsection (6), a notarial copy of an instrument is specified, there may be registered, in lieu of such notarial copy, a copy of the instrument certified by the proper officer of the government of Canada or Ontario. R.S.O. 1990, c. R.20, s. 18 (7).

General Register Index

(8)  Every land registrar shall keep an alphabetical index in the required form of all general registrations, to be known in English as the “General Register Index” and in French as “répertoire général d’enregistrement”. R.S.O. 1990, c. R.20, s. 18 (8); 1998, c. 18, Sched. E, s. 216 (3).

Separate index

(9)  The Director may, by written direction, require a land registrar to prepare and maintain a separate alphabetical index for any class of general registrations. R.S.O. 1990, c. R.20, s. 18 (9).

Books, etc., Crown property

(10)  All books, indexes, photographic film reproductions and other records used and kept in and for the purposes of a land registry office are the property of the Crown. R.S.O. 1990, c. R.20, s. 18 (10).

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

1993, c. 27, Sched. - 31/12/1991; 1998, c. 18, Sched. E, s. 216 (1-3) - 18/12/1998; 1999, c. 12, Sched. F, s. 35 - 22/12/1999

[2000, c. 26, Sched. B, s. 17 (1)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s1) - 06/12/2000

[2009, c. 33, Sched. 2, s. 64 (1)](http://www.ontario.ca/laws/statute/S09033" \l "sched2s64s1) - 15/12/2009

[2012, c. 8, Sched. 51, s. 9](http://www.ontario.ca/laws/statute/S12008" \l "sched51s9) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022; [CTS 13 JL 12 - 5](http://www.ontario.ca/laws/consolidated-statutes-change-notices)

[2021, c. 4, Sched. 6, s. 85 (1)](http://www.ontario.ca/laws/statute/S21004" \l "sched6s85s1) - 01/06/2021

Preservation of abstract books, etc.

**19** (1)  It is the duty of every land registrar to preserve the abstract index books and other records of his or her office in good repair. R.S.O. 1990, c. R.20, s. 19 (1).

Copying and repair of books, etc.

(2)  A land registrar may, when he or she considers it necessary, and shall, when so directed by the Director, cause,

(a) any book that is becoming obliterated or unfit for further use to be copied or reproduced and, where portions of the entries in the book are missing, obliterated or cannot be deciphered, the missing details to be obtained, so far as possible, by examination of the instruments relating thereto and incorporated in the copy;

(b) plans and maps to be copied, repaired, restored, mounted, bound or otherwise preserved; and

(c) any book to be repaired,

in a manner approved by the Director. R.S.O. 1990, c. R.20, s. 19 (2).

Copy to be certified

(3)  Where a book is copied or reproduced under clause (2) (a), the land registrar shall certify the correctness of the copy. R.S.O. 1990, c. R.20, s. 19 (3).

Effect of certificate

(4)  The certificate of a land registrar under subsection (3) is, to the extent specified in the certificate, proof, in the absence of evidence to the contrary, that the copy is a true copy of the original book, and such certified copy shall be accepted and received as the original, but the land registrar shall nevertheless carefully preserve the original book or a facsimile thereof and produce it upon demand. R.S.O. 1990, c. R.20, s. 19 (4).

Director may order duplicate or new abstract indexes

(5)  The Director may order as many counterparts or copies of any abstract index book to be made as he or she considers necessary for the public convenience, and may order new abstract indexes to be made when the indexes in use have become complicated or otherwise inconvenient. R.S.O. 1990, c. R.20, s. 19 (5).

Instruments to be included in copy of abstract index

(6)  Where an abstract index is copied, every instrument, except an instrument to which subsection 67 (1), 56 (10) or 56 (11) applies, shall be copied, and the land registrar shall carefully preserve the original abstract index or a facsimile thereof and produce it upon demand. R.S.O. 1990, c. R.20, s. 19 (6).

Effect of certified copy of plan

(7)  Where a plan is copied under subsection (2), and the copy is certified by the examiner of surveys as a true copy of the plan, or a part thereof, as the case may be, the copy so made and certified has all the force and effect of the plan or of that part of the plan of which it is a copy. R.S.O. 1990, c. R.20, s. 19 (7).

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

[2012, c. 8, Sched. 51, s. 9](http://www.ontario.ca/laws/statute/S12008" \l "sched51s9) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

**19.1**

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

[2012, c. 8, Sched. 51, s. 9](http://www.ontario.ca/laws/statute/S12008" \l "sched51s9) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Abstract index of lots

**20** (1)  The land registrar, in a book in the required form, called the “Abstract Index” in English and the “répertoire par lot” in French, shall enter under a separate and distinct head each separate lot or part of a lot of land as originally patented by the Crown, or that appears on any registered plan of subdivision, judge’s plan or municipal plan under section 91. R.S.O. 1990, c. R.20, s. 20 (1); 1998, c. 18, Sched. E, s. 217 (1).

Entries

(2)  Subject to subsection (3), the land registrar shall enter every instrument that mentions such parcel or lot of land in the abstract index in the required manner under the proper heading of each separate parcel or lot of land. R.S.O. 1990, c. R.20, s. 20 (2); 1998, c. 18, Sched. E, s. 217 (2).

Regulations

(3)  The Minister may make regulations designating instruments to which subsection (2) does not apply and governing the manner of making entries in the abstract index. R.S.O. 1990, c. R.20, s. 20 (3); 1998, c. 18, Sched. E, s. 217 (3).

Note: The Lieutenant Governor in Council may by regulation revoke regulations made under subsection (3), as that subsection read immediately before December 18, 1998, if the Minister makes a regulation under subsection (3), as amended by the Statutes of Ontario, 1998, chapter 18, Schedule E, subsection 217 (3), that is inconsistent with those regulations. See: 1998 , c. 18, Sched. E, s. 217 (4).

Exception

(4)  Subsections (1), (2) and (3) do not apply to land in the parts of Ontario designated under Part II of the Land Registration Reform Act. R.S.O. 1990, c. R.20, s. 20 (4).

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

1998, c. 18, Sched. E, s. 217 (1-4) - 18/12/1998

[2012, c. 8, Sched. 51, s. 10 (1-3)](http://www.ontario.ca/laws/statute/S12008" \l "sched51s10s1) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Land under automated system

**21** (1)  This section applies only to land in the parts of Ontario designated under Part II of the Land Registration Reform Act. R.S.O. 1990, c. R.20, s. 21 (1).

Properties and property identifiers

(2)  The Director of Titles shall, in the required manner, divide into blocks and properties any land that is designated under Part II of the Land Registration Reform Act and assign property identifiers to those properties. R.S.O. 1990, c. R.20, s. 21 (2); 1998, c. 18, Sched. E, s. 218 (1); 2000, c. 26, Sched. B, s. 17 (2).

Property maps

(3)  The Director of Titles shall, in the required manner, prepare property maps showing all properties and prepare the other required maps. 1998, c. 18, Sched. E, s. 218 (2); 2000, c. 26, Sched. B, s. 17 (2).

Idem

(4)  The land registrar shall maintain property maps in the required manner and shall assign property identifiers to properties when and in the manner specified by the Director of Titles. R.S.O. 1990, c. R.20, s. 21 (4); 1998, c. 18, Sched. E, s. 218 (3); 2000, c. 26, Sched. B, s. 17 (2).

Abstract index

(5)  The land registrar shall, in the required manner, create and maintain an index in automated form known as the abstract index and enter every instrument that affects a property in the abstract index under the property identifier assigned to that property. R.S.O. 1990, c. R.20, s. 21 (5); 1998, c. 18, Sched. E, s. 218 (4).

Other indexes and records

(6)  The land registrar shall, in the required manner, maintain the other required indexes and records. 1998, c. 18, Sched. E, s. 218 (5).

Entry of earlier instruments

(7)  The Director of Titles may direct the land registrar to enter, in the required manner, all instruments that were registered before the day this section comes into force, and that belong to a category or were registered during a period specified by the Director of Titles, in the abstract index under the property identifiers for the properties affected by the instruments. R.S.O. 1990, c. R.20, s. 21 (7); 1993, c. 27, Sched.; 1998, c. 18, Sched. E, s. 218 (6); 2000, c. 26, Sched. B, s. 17 (2).

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

1993, c. 27, Sched. - 31/12/1991; 1998, c. 18, Sched. E, s. 218 (1-6) - 18/12/1998

[2000, c. 26, Sched. B, s. 17 (2)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s2) - 06/12/2000

[2012, c. 8, Sched. 51, s. 11 (1-3)](http://www.ontario.ca/laws/statute/S12008" \l "sched51s11s1) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Instruments that may be Registered

Instruments that may be registered

**22** (1)  Except as otherwise provided in and subject to,

(a) this Act and the regulations; and

(b) Part I of the Land Registration Reform Act and the regulations made under it,

any instrument within the meaning of section 1 and any other instrument specifically permitted to be registered under Part I of this Act may be registered. R.S.O. 1990, c. R.20, s. 22 (1); 1998, c. 18, Sched. E, s. 219 (1).

Delivery of instruments

(2)  Unless otherwise provided in this Act, any instrument that may be registered shall be registered upon and by delivery to the Director of the instrument or of an executed duplicate or other original part of the instrument with all necessary affidavits. 2012, c. 8, Sched. 51, s. 12.

Same

(2.1)  In subsection (2),

“delivery” includes delivery by direct electronic transmission. 1994, c. 27, s. 99 (3).

Unpatented Crown lands

(3)  Subject to subsection (4), the registration of an instrument purporting to affect unpatented Crown land or land that has the status of unpatented Crown land has no effect under this Act. R.S.O. 1990, c. R.20, s. 22 (3).

Exceptions

(4)  Subsection (3) does not apply,

(a) to a mortgage or other encumbrance made by the original nominee of the Crown or by a person through whom a person obtaining a grant of land from the Crown derived title, or to a lien affecting the land;

(b) to a plan of Crown land made under the Public Transportation and Highway Improvement Act, the Public Lands Act or any other Act of Ontario;

(c) to a lease of Crown land or of an interest therein or of any interest of the Crown in land under the Mining Act or the Public Lands Act;

(d) in the case of an instrument purporting to affect land, which when the instrument was registered was unpatented Crown land, if,

(i) a patent of the land is subsequently registered, or

(ii) a notice, which was issued by any competent governmental authority, in existence before or after the creation of the Province of Ontario, and which stated that the land was patented, is recorded in the land registry office;

(e) to an instrument affecting land that was unpatented Crown land at the time of registration of the instrument, where the instrument,

(i) was registered in compliance with an Act of Ontario, or

(ii) was registered as contemplated by an Act of Ontario and the instrument was either executed or approved on behalf of the Crown by a minister or other person authorized by law so to do; or

(f) to a licence of occupation for the purpose of a pipe line as defined in the Ontario Energy Board Act, if the licence is accompanied by a statement of the licensee or his or her solicitor or, where the licensee is a corporation, an officer of or solicitor for the corporation stating that the land affected by the licence is to be used for that purpose, or to any instrument affecting a registered licence of occupation. R.S.O. 1990, c. R.20, s. 22 (4); 1998, c. 18, Sched. E, s. 219 (2).

Water lots, etc.

(5)  An instrument purporting to affect land covered by water shall not be registered unless the registry division in which the land is situate can be readily ascertained from the instrument. R.S.O. 1990, c. R.20, s. 22 (5).

Notice of unregistered interest

(6)  An instrument that refers to an unregistered instrument or to an interest or claim dependent upon or arising out of an unregistered instrument shall not be registered under this Act. R.S.O. 1990, c. R.20, s. 22 (6).

Leases

(7)  Despite subsections (2) and (6), a notice of,

(a) a lease;

(a.1) an amendment of a lease;

(b) a sublease;

(c) an assignment of a lease;

(d) a mortgage of a lease;

(e) an assignment of the lessor’s interest in a lease;

(f) a determination or surrender of a lease;

(g) an agreement to lease; or

(h) an option to lease,

may be registered if it complies with the regulations. R.S.O. 1990, c. R.20, s. 22 (7); 1998, c. 18, Sched. E, s. 219 (3).

Agreements and options

(8)  Despite subsections (2) and (6), a notice of,

(a) an agreement of purchase and sale of land or an assignment thereof; or

(b) an option for the purchase of land or an assignment thereof,

may be registered if it complies with the regulations. R.S.O. 1990, c. R.20, s. 22 (8).

Expiry

(9)  Subject to subsection (10), the registration of a notice under subsection (8) expires one year after the date of its registration. R.S.O. 1990, c. R.20, s. 22 (9).

Renewal

(10)  The period of registration of a notice under subsection (8) may be extended from time to time by registering a renewal notice in the prescribed form and, unless the period is further extended, the registration of the renewal notice expires one year after the date of its registration. R.S.O. 1990, c. R.20, s. 22 (10).

Statement of good faith

(11)  A notice registered under subsection (8) or (10) shall be accompanied by a statement of good faith in the prescribed form. 1998, c. 18, Sched. E, s. 219 (4).

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

1994, c. 27, s. 99 (3) - 09/12/1994; 1998, c. 18, Sched. E, s. 219 (1-4) - 18/12/1998

[2012, c. 8, Sched. 51, s. 12](http://www.ontario.ca/laws/statute/S12008" \l "sched51s12) - 01/09/2016

Refusal to register or record in certain cases

**23** The land registrar may,

(a) refuse to accept for registration an instrument,

(i) that is wholly or partly illegible or unsuitable for microfilming, or

(ii) that contains or has attached to it material that does not, in the land registrar’s opinion, affect or relate to an interest in land; and

(b) refrain from recording a part of a registered instrument if the part does not, in the land registrar’s opinion, affect or relate to an interest in land. R.S.O. 1990, c. R.20, s. 23; 1998, c. 18, Sched. E, s. 220.

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

1998, c. 18, Sched. E, s. 220 (1, 2) - 18/12/1998

[2012, c. 8, Sched. 51, s. 13](http://www.ontario.ca/laws/statute/S12008" \l "sched51s13) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

**24** Repealed: 1998, c. 18, Sched. E, s. 221.

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

1998, c. 18, Sched. E, s. 221 - 18/12/1998

Brief description and property identifier, etc.

**25** (1)  Repealed: 1998, c. 18, Sched. E, s. 222 (1).

Brief description and property identifier, etc.

(2)  An instrument shall not be registered unless it contains,

(a) a reference to the lot, part lot or other unit on the plan or concession it affects;

(b) a registrable description of the land it affects, unless a registrable description of the same land is already recorded in the abstract index; and

(c) the property identifier, if any, assigned under subsection 21 (2) or (4) to the property it affects. R.S.O. 1990, c. R.20, s. 25 (2).

Exceptions

(3)  Subsection (2) does not apply to an instrument that is,

(a) a plan;

(b) identified by the letters “G.R.” and to be registered under subsection 18 (6);

(c) a by-law that does not directly affect title to land;

(d) presented for registration together with a statement in the prescribed form made by a party to the instrument or by the party’s solicitor, attorney under a registered power of attorney or registered notarial copy of a power of attorney, or heirs, executors, administrators or estate trustees, or, where the party is a corporation, by an officer of the corporation, stating that the instrument affects land within the registry division, and containing the information required by subsection (2);

(e) a judgment or order of the court or of a judge, or a certificate or certified or notarial copy of such judgment or order, presented for registration together with a statement in the prescribed form, made by one of the parties to the action or by the party’s solicitor, stating that the instrument affects land within the registry division, and containing the information required by subsection (2); or

(f) one of a prescribed class of instruments. R.S.O. 1990, c. R.20, s. 25 (3); 1993, c. 27, Sched.; 1998, c. 18, Sched. E, s. 222 (2, 3).

Further recording

(4)  A registered instrument may be recorded or further recorded in the abstract index upon the registration of a statement in the prescribed form made by any of the persons mentioned in clauses (3) (d) and (e). R.S.O. 1990, c. R.20, s. 25 (4); 1998, c. 18, Sched. E, s. 222 (4).

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

1993, c. 27, Sched. - 31/12/1991; 1998, c. 18, Sched. E, s. 222 (1-4) - 18/12/1998

[2012, c. 8, Sched. 51, s. 14 (1, 2)](http://www.ontario.ca/laws/statute/S12008" \l "sched51s14s1) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Easements, etc.

**26** (1)  In this section,

“easement” means an easement, right-of-way, right or licence in the nature of an easement, profit à prendre or other incorporeal hereditament, but does not include such an easement arising by operation of law. R.S.O. 1990, c. R.20, s. 26 (1).

Local description required

(2)  Despite section 15 of the Conveyancing and Law of Property Act or any rule of law, an instrument purporting to convey an easement, made after the 1st day of January, 1967, does not, as against a purchaser in good faith who, for valuable consideration and without actual notice, purchases the servient tenement after the registration of the instrument, convey to the grantee any interest in the easement unless a local description of the affected part of the servient tenement is contained in the instrument by which the conveyance is made. R.S.O. 1990, c. R.20, s. 26 (2).

Condominium easements

**27** (1)  Where the first registered description of an easement is that contained in a condominium declaration and description, and the easement is expressly intended,

(a) to be an easement through the common elements and to benefit other land owned by the declarant; or

(b) to be an easement through other land owned by the declarant and to benefit the condominium property,

the easement is created for all purposes to the same extent as if it had been created by a deed and the declarant had not been the same person as the owner of the other land. R.S.O. 1990, c. R.20, s. 27 (1).

Easement to benefit condominium property

(2)  Where, in a deed that is registered before the registration of a deed of any unit made by the declarant, an easement through land outside the condominium property is transferred by the declarant to the condominium corporation to be part of the common elements, the easement does not merge by operation of law. R.S.O. 1990, c. R.20, s. 27 (2).

Easement affecting common elements

(3)  Where, in a deed that is registered before the registration of a deed of any unit made by the declarant, the common elements are made subject to an easement expressly intended to benefit other land owned by the declarant, the easement is created for all purposes as if the declarant had not been the same person as the owner of the other land. R.S.O. 1990, c. R.20, s. 27 (3).

Easement becomes part of common elements

(4)  Where, in an instrument, an intention is expressed by a condominium corporation that an easement transferred to the corporation is to be part of the common elements, and any instrument to it required by the Condominium Act, 1998 or a predecessor of that Act has been registered, the easement, upon registration of the instrument in which the intention is expressed, becomes part of the common elements. R.S.O. 1990, c. R.20, s. 27 (4); 2009, c. 33, Sched. 17, s. 12 (1).

Where *Planning Act* does not apply

(5)  Section 50 of the Planning Act does not apply to an easement to which subsection (1) of this section applies, if the condominium description was approved or exempted under subsection 9 (3) of the Condominium Act, 1998 or a predecessor of that subsection. R.S.O. 1990, c. R.20, s. 27 (5); 2009, c. 33, Sched. 17, s. 12 (2); 2015, c. 28, Sched. 1, s. 156.

Retroactive effect

(6)  Except to the extent that rights governed by this section have been determined by a court, this section has retroactive application. R.S.O. 1990, c. R.20, s. 27 (6).

Definitions

(7)  In this section,

“common elements”, “declarant”, “declaration”, “description”, “property” and “unit” have the same meaning as in the Condominium Act, 1998. (“parties communes”, “déclarant”, “déclaration”, “description”, “propriété”, “partie privative”) 2009, c. 33, Sched. 17, s. 12 (3).

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

[2009, c. 33, Sched. 17, s. 12 (1-3)](http://www.ontario.ca/laws/statute/S09033" \l "sched17s12s1) - 15/12/2009

[2015, c. 28, Sched. 1, s. 156](http://www.ontario.ca/laws/statute/S15028" \l "sched1s156) - 03/12/2015

**28** Repealed: 1998, c. 18, Sched. E, s. 223.

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

1998, c. 18, Sched. E, s. 223 - 18/12/1998

**29** Repealed: 1998, c. 18, Sched. E, s. 223.

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

1998, c. 18, Sched. E, s. 223 - 18/12/1998

**30** Repealed: 1998, c. 18, Sched. E, s. 223.

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

1998, c. 18, Sched. E, s. 223 - 18/12/1998

Power to administer oaths

**31** (1)  Every land registrar, by virtue of office, and every representative whom the land registrar specifies is a commissioner for taking affidavits for uses under this Act that relate to land in the registry division of the land registrar. 1998, c. 18, Sched. E, s. 224.

Affidavits, etc., made outside Ontario

(2)  An affidavit, affirmation or declaration that complies with section 44 or 45 of the Evidence Act is sufficiently sworn, affirmed or made for the purposes of this Act. R.S.O. 1990, c. R.20, s. 31 (2).

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

1998, c. 18, Sched. E, s. 224 - 18/12/1998

[2012, c. 8, Sched. 51, s. 15](http://www.ontario.ca/laws/statute/S12008" \l "sched51s15) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Required statements

**32** If this Act requires, as a condition for registration of an instrument, proof in the form of a statement, the form of the statement may be prescribed or may be approved by the Director of Titles if none is prescribed. 1998, c. 18, Sched. E, s. 225; 2000, c. 26, Sched. B, s. 17 (2).

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

1998, c. 18, Sched. E, s. 225 - 18/12/1998

[2000, c. 26, Sched. B, s. 17 (2)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s2) - 06/12/2000

[2012, c. 8, Sched. 51, s. 16](http://www.ontario.ca/laws/statute/S12008" \l "sched51s16) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Restrictions on affidavits

**33** No person authorized to take affidavits shall take an affidavit of the execution of an instrument to which he or she is a party, nor shall such an affidavit be taken from a witness unless the witness has subscribed his or her name in the witness’s own handwriting as such witness. R.S.O. 1990, c. R.20, s. 33.

Witnesses compellable to make affidavit

**34** Every subscribing witness is compellable, by order of a judge of the Superior Court of Justice, to make an affidavit or proof of the execution of an instrument for the purpose of registration, and to do all other acts necessary for that purpose, upon being paid or tendered his or her reasonable expenses therefor. R.S.O. 1990, c. R.20, s. 34; 2000, c. 26, Sched. B, s. 17 (3).

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

[2000, c. 26, Sched. B, s. 17 (3)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s3) - 06/12/2000

Execution of instrument

**35** (1)  If an instrument that is otherwise capable of registration is not duly executed, any person who is or claims to be interested in the registration of the instrument may make proof before a judge of the Superior Court of Justice of the execution of the instrument. 2000, c. 26, Sched. B, s. 17 (4).

Registration

(2)  The instrument may be registered if a certificate in the prescribed form is endorsed on the instrument and signed by the judge. 2000, c. 26, Sched. B, s. 17 (4).

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

[2000, c. 26, Sched. B, s. 17 (4)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s4) - 06/12/2000

**36** Repealed: 1998, c. 18, Sched. E, s. 226.

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

1998, c. 18, Sched. E, s. 226 - 18/12/1998

Execution by others

**37** (1)  Repealed: 1998, c. 18, Sched. E, s. 227.

Execution by others

(2)  The seal of a court of record affixed to an instrument is sufficient evidence, for the purpose of registration, of the due execution of the instrument by the judge or the officer of the court signing it. R.S.O. 1990, c. R.20, s. 37 (2).

Execution by corporation

(3)  Where an instrument is executed by a corporation,

(a) the corporation’s seal affixed to the instrument, with the signature of an authorized person; or

(b) the signature of an authorized person, with the person’s statement that he or she has authority to bind the corporation,

are sufficient evidence, for the purpose of registration, of the due execution of the instrument by the corporation. R.S.O. 1990, c. R.20, s. 37 (3).

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

1998, c. 18, Sched. E, s. 227 - 18/12/1998

Judgments and orders affecting land

**38** (1)  A judgment or order of a court or judge affecting land, other than an order or certificate endorsed on an instrument, may be registered in the land registry office of the registry division in which the land is situate by registering therein,

(a) a certificate signed by the proper officer of the court setting forth the substance and effect of the judgment or order;

(b) a copy of the judgment or order certified as such by the proper officer of the court;

(c) the original judgment or order under the seal of the court; or

(d) a notarial copy of the certificate, the certified copy or the original judgment or order. R.S.O. 1990, c. R.20, s. 38 (1); 1998, c. 18, Sched. E, s. 228.

Supporting statement

(1.1)  No judgment or order shall be registered unless it is supported by a solicitor’s statement that it,

(a) is in full force and effect and has not been stayed; and

(b) affects the land mentioned in it. 1999, c. 12, Sched. F, s. 36.

Number of mortgage to be included in certificate of foreclosure

(2)  No judgment or final order of foreclosure of a mortgage shall be registered unless it includes a local description and a reference to the registration number of the mortgage. R.S.O. 1990, c. R.20, s. 38 (2); 1993, c. 27, Sched.

Number of construction lien to be included in order discharging, etc.

(3)  An order discharging a construction lien or vacating a certificate of action under the Construction Act or the Mechanics’ Lien Act, being chapter 261 of the Revised Statutes of Ontario, 1980, shall be registered by registering the order or a certificate thereof, under the seal of the court, that includes a local description and reference to the registration number of every registered claim for lien and certificate of action affected thereby. R.S.O. 1990, c. R.20, s. 38 (3); 1993, c. 27, Sched.; 2017, c. 24, s. 81 (1, 2).

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

1993, c. 27, Sched. - 31/12/1991; 1998, c. 18, Sched. E, s. 228 - 18/12/1998; 1999, c. 12, Sched. F, s. 36 - 22/12/1999

[2017, c. 24, s. 81 (1)](http://www.ontario.ca/laws/statute/S17024" \l "s81s1) - 12/12/2017; [2017, c. 24, s. 81 (2)](http://www.ontario.ca/laws/statute/S17024" \l "s81s2) - 01/07/2018

Registration of certified copies, powers of attorney, etc.

**39** There may be registered,

(a) a copy of an instrument certified by the land registrar in whose office the instrument is registered;

(b) a copy of a power of attorney or other instrument executed by a corporation that confers upon any person authority to act for the corporation if the copy is certified by the proper officer of any department of the Government of Canada or Ontario in whose office the power of attorney or instrument is deposited; or

(c) a copy of an instrument registered under the Corporation Securities Registration Act, being chapter 94 of the Revised Statutes of Ontario, 1980, or a predecessor thereof, certified under that Act. R.S.O. 1990, c. R.20, s. 39; 1998, c. 18, Sched. E, s. 229.

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

1998, c. 18, Sched. E, s. 229 - 18/12/1998

[2012, c. 8, Sched. 51, s. 17](http://www.ontario.ca/laws/statute/S12008" \l "sched51s17) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Registration of deposits

**40** A copy of an instrument deposited under Part II of this Act or under The Custody of Documents Act, being chapter 85 of the Revised Statutes of Ontario, 1960, or any predecessor thereof, certified by the land registrar in whose office the instrument is deposited, may be registered subject to the proof for registration required by this Act. R.S.O. 1990, c. R.20, s. 40.

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

[2012, c. 8, Sched. 51, s. 18](http://www.ontario.ca/laws/statute/S12008" \l "sched51s18) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Registration of notarial copies of instruments executed in Quebec

**41** A notarial copy of an instrument executed in the Province of Quebec, the original of which is filed in a notarial office according to the law of Quebec, and a prothonotarial copy of an instrument executed in Quebec may be registered and shall be treated under this Act for all purposes as if it were the original instrument, and such notarial or prothonotarial copy with the seal of the notary or prothonotary attached shall be registered without any other proof of the execution of the original thereof. R.S.O. 1990, c. R.20, s. 41.

**42** Repealed: 1998, c. 18, Sched. E, s. 230.

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

1998, c. 18, Sched. E, s. 230 - 18/12/1998

Registrations in languages other than English

**43** Where an instrument, document or related attachment is written wholly or in part in a language other than English there shall be produced with the instrument, document or related attachment a translation into English, together with an affidavit by the translator stating that he or she understands both languages and has carefully compared the translation with the original and that the translation is in all respects a true and correct translation. R.S.O. 1990, c. R.20, s. 43.

Registration of instruments and documents in French language

**44** (1)  Despite section 43, where an instrument, document or related attachment is in a prescribed form, the instrument may be registered or the document deposited if,

(a) the instrument or document affects the title to land in a registry division or part thereof that is designated by regulation; and

(b) the instrument or document is otherwise acceptable for registration or deposit. R.S.O. 1990, c. R.20, s. 44 (1).

Regulations

(2)  The Minister may make regulations,

(a) prescribing the forms of instruments, documents and related attachments for the purposes of this section;

(b) prescribing a lexicon of French-English terms to be used in connection with the prescribed forms of instruments, documents and related attachments and deeming the corresponding forms of expression in the lexicon to have the same effect in law;

(c) designating registry divisions or parts thereof for the purpose of this section;

(d) prescribing terms and conditions for the registration of instruments or deposit of documents under subsection (1);

(e) designating any Act for the purpose of subsection (4). R.S.O. 1990, c. R.20, s. 44 (2); 1998, c. 18, Sched. E, s. 231 (1).

Note: The Lieutenant Governor in Council may by regulation revoke regulations made under subsection (2), as that subsection read immediately before December 18, 1998, if the Minister makes a regulation under subsection (2), as amended by the Statutes of Ontario, 1998, chapter 18, Schedule E, subsection 231 (1), that is inconsistent with those regulations. See: 1998, c. 18, Sched. E, s. 231 (2).

Definition

(3)  In sections 43 and 44,

“document” has the same meaning as it has in Part II. R.S.O. 1990, c. R.20, s. 44 (3).

Idem

(4)  In this section,

“prescribed form” means a form prescribed by a regulation made under this section or any Act designated by a regulation made under clause (2) (e). R.S.O. 1990, c. R.20, s. 44 (4).

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

1998, c. 18, Sched. E, s. 231 (1, 2) - 18/12/1998

Manner of Registering

Registration of foreclosure orders, etc.

**45** A judgment in foreclosure or a final order of foreclosure or an instrument purporting to be a conveyance of land under a power of sale contained in a mortgage shall not be registered until the mortgage and any assignment thereof have been registered. R.S.O. 1990, c. R.20, s. 45.

Instrument executed by attorney

**46** (1)  Subject to subsection (1.1), no instrument purporting to be signed or executed by any person by attorney shall be registered unless, at or before the time of registration,

(a) the original power of attorney, a notarial copy of it or a copy certified for registration under section 39 is registered in the land registry office where the instrument is tendered for registration; and

(b) the date of registration and registration number of the original, the notarial copy or the certified copy, as the case may be, are indicated in the body or margin of the instrument tendered for registration. 1998, c. 18, Sched. E, s. 232 (1).

Other proof

(1.1)  If the power of attorney, a notarial copy of it or a certified copy cannot be produced, proof may be made before a judge of the Superior Court of Justice of the execution of the instrument and, if the judge signs a certificate in the prescribed form endorsed on the instrument and the instrument is otherwise capable of registration, the land registrar shall register the instrument and certificate. 1998, c. 18, Sched. E, s. 232 (1); 2000, c. 26, Sched. B, s. 17 (5).

(2)  Repealed: 1998, c. 18, Sched. E, s. 232 (2).

Exception

(3)  Subsection (1) does not apply to instruments purporting to be executed by attorneys or commissioners for the Canada Company, the Trust and Loan Company of Canada, the Scottish Ontario and Manitoba Land Company, the North British Canadian Investment Company, the North of Scotland Canadian Mortgage Company, Limited, or the Scottish American Investment Company. R.S.O. 1990, c. R.20, s. 46 (3).

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

1998, c. 18, Sched. E, s. 232 (1, 2) - 18/12/1998

[2000, c. 26, Sched. B, s. 17 (5)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s5) - 06/12/2000

[2012, c. 8, Sched. 51, s. 19](http://www.ontario.ca/laws/statute/S12008" \l "sched51s19) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Order dispensing with statement

**47** (1)  If an instrument that is otherwise capable of registration is not accompanied by a statement that this Act requires or is accompanied by an incomplete or defective statement, a person who is or claims to be interested in the registration of the instrument may apply to a judge of the Superior Court of Justice for an order dispensing with the statement. 1998, c. 18, Sched. E, s. 233; 2000, c. 26, Sched. B, s. 17 (5).

Grounds for order

(2)  The judge may grant the order if the applicant proves that,

(a) the required statement cannot be obtained conveniently; and

(b) the facts were as are required to be stated by the statement. 1998, c. 18, Sched. E, s. 233.

Certificate

(3)  On granting an order, the judge shall endorse on the instrument or securely attach to it a certificate, in the prescribed form, stating the facts that have been proven to the judge’s satisfaction, and the certificate shall be received in lieu of the required statement. 1998, c. 18, Sched. E, s. 233.

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

1998, c. 18, Sched. E, s. 233 - 18/12/1998

[2000, c. 26, Sched. B, s. 17 (5)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s5) - 06/12/2000

Requirements for grantees

**48** (1)  In this section,

“grantee” includes a grantee under a deed or other conveyance, a mortgagee or a person claiming an interest in land. R.S.O. 1990, c. R.20, s. 48 (1).

Description of grantee

(2)  An instrument shall not be registered unless every grantee who is not a corporation is described by,

(a) if the grantee has a single name, but no surname or first given name, the grantee’s single name; or

(b) if the grantee does not have a single name, the grantee’s surname and first given name in full, followed by another given name, if any, in full. 2017, c. 20, Sched. 9, s. 13.

Saving

(3)  Failure to comply with subsection (2) does not, in itself, invalidate a registered instrument. R.S.O. 1990, c. R.20, s. 48 (3).

Trustees of pension plans

(4)  Despite subsection (2), where a mortgage is made or assigned to the trustee or trustees of a registered pension plan within the meaning of subsection 248 (1) of the Income Tax Act(Canada) and the mortgage or assignment has attached thereto a statement made by one of the trustees or a solicitor deposing that the plan is so registered, the mortgagee or assignee may be described in the mortgage or assignment as the trustee or trustees, naming the plan, and the individual names of the trustee or trustees are not required. R.S.O. 1990, c. R.20, s. 48 (4); 1998, c. 18, Sched. E, s. 234 (1).

Idem

(5)  An assignment or discharge of mortgage made by the trustee or trustees mentioned in subsection (4) shall not be registered unless there is attached thereto a statement made by the trustee or, where there is more than one trustee, by one of them or by the solicitor for the trustee or trustees, deposing that the signing trustee is, or trustees are, authorized to execute the assignment or discharge. R.S.O. 1990, c. R.20, s. 48 (5); 1998, c. 18, Sched. E, s. 234 (2).

Debentures, etc.

(6)  A mortgage in the form of a debenture or a similar instrument shall not be registered unless the name of the person entitled to receive the money payable thereunder and to give a discharge thereof is set out in the instrument. R.S.O. 1990, c. R.20, s. 48 (6).

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

1998, c. 18, Sched. E, s. 234 (1, 2) - 18/12/1998

[2017, c. 20, Sched. 9, s. 13](http://www.ontario.ca/laws/statute/S17020" \l "sched9s13) - 14/11/2017

Registration numbers

**49** (1)  Except as provided by subsection (5), all instruments shall be numbered consecutively in order of time of being registered. R.S.O. 1990, c. R.20, s. 49 (1).

Idem

(2)  Where two or more instruments affecting the same land are received at the same time, they shall, if capable of registration, be registered and numbered in the order requested by the person or persons from whom they are received. R.S.O. 1990, c. R.20, s. 49 (2).

Time of receipt

(3)  The year, month, day, hour and minute at which an instrument is registered shall be endorsed thereon. R.S.O. 1990, c. R.20, s. 49 (3).

Priorities, how established

(4)  For the purpose of section 71, priorities shall, subject to subsection (5), be determined in accordance with the respective registration numbers. R.S.O. 1990, c. R.20, s. 49 (4).

Idem

(5)  A separate series of registration numbers may be used for plans of subdivision and for any other class of instrument that may be approved by the Director, and, for the purposes of section 71, priorities between instruments registered in different number series shall be determined in accordance with the time of receipt endorsed thereon. R.S.O. 1990, c. R.20, s. 49 (5).

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

1998, c. 18, Sched. E, s. 235 (1, 2) - See [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2011

[2000, c. 26, Sched. B, s. 17 (6)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s6) - 06/12/2000

Manner of registration

**50** (1)  Upon accepting an instrument for registration, the land registrar shall,

(a) register it in the manner that the Director of Titles specifies;

(b) record it in the proper index or indexes in the manner that the Director of Titles specifies;

(c) except as provided by the regulations, cause it to be recorded on photographic film or by any other means of image recording that the Director specifies; and

(d) in the manner that the Director specifies, preserve it and all recorded copies of it that the Director requires. 1998, c. 18, Sched. E, s. 236; 2000, c. 26, Sched. B, s. 17 (6).

(2)  Repealed: 1998, c. 18, Sched. E, s. 236.

Custody of registered instruments

(3)  Every registered instrument is the property of the Crown and, subject to subsection 17 (3) and the regulations, shall be retained in the custody of the land registrar in his or her office. R.S.O. 1990, c. R.20, s. 50 (3).

Idem

(4)  Despite subsection (3), a registered instrument may be temporarily transferred to the custody of the Director of Titles or a land registrar in connection with an application under the Land Titles Act. R.S.O. 1990, c. R.20, s. 50 (4); 2009, c. 33, Sched. 17, s. 12 (4).

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

1998, c. 18, Sched. E, s. 236 - 18/12/1998

[2000, c. 26, Sched. B, s. 17 (6)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s6) - 06/12/2000

[2009, c. 33, Sched. 17, s. 12 (4)](http://www.ontario.ca/laws/statute/S09033" \l "sched17s12s4) - 15/12/2009

[2012, c. 8, Sched. 51, s. 20](http://www.ontario.ca/laws/statute/S12008" \l "sched51s20) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Crown grants

**51** A land registrar shall register a Crown grant received by him or her under section 37 of the Public Lands Act that meets the requirements for registration set out in this Act and the regulations. R.S.O. 1990, c. R.20, s. 51.

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

[2012, c. 8, Sched. 51, s. 20](http://www.ontario.ca/laws/statute/S12008" \l "sched51s20) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Orders in council

**52** Where by any Act of Canada or Ontario an order in council or a certified copy thereof is required to be registered or deposited in a land registry office, the order or a certified copy thereof may be registered and recorded,

(a) in the case of an order that does not contain a local description, as a general registration; or

(b) in the case of an order that contains a local description, in the abstract index. R.S.O. 1990, c. R.20, s. 52.

Wills and other instruments involving estates

**53** (1)  A will shall be registered by registering,

(a) the original will or a notarial copy of it with,

(i) in the case of a will that is not a holograph will,

(A) a statement by one of the subscribing witnesses to the will proving the due execution of it by the testator,

(B) a statement by a person well acquainted with the testator attesting to the signature of the testator on the will, or

(C) a notarial copy of a statement described in sub-subclause (A) or (B),

(ii) in the case of a holograph will,

(A) a statement by a person well acquainted with the testator attesting to the handwriting and the signature of the testator on the will, or

(B) a notarial copy of a statement described in sub-subclause (A), and

(iii) one of the following:

1. A statement that the testator died on or about a specified date, made by any person who has personal knowledge of that fact.

1.1 A notarial copy of a statement described in paragraph 1.

2. A death certificate under the Vital Statistics Act in respect of the death of the testator or a notarial copy of the certificate.

3. A certificate in respect of the death of the testator issued by a funeral director who has provided funeral services in respect of the death or a notarial copy of the certificate.

4. An order made under the Declarations of Death Act, 2002 that declares that the testator has died and that is not limited under subsection 2 (6) of that Act to specified purposes other than dealing with the testator’s estate.

5. A certified or notarial copy of an order described in paragraph 4;

(b) the letters probate, letters of administration with the will annexed, the certificate of appointment of estate trustee with or without a will or any grant based on a will given by a court outside Ontario having jurisdiction in probate matters or a notarial copy thereof; or

(c) an exemplification or certified copy of the letters probate, letters of administration with the will annexed, the certificate of appointment of estate trustee with or without a will or grant based on a will given by a court outside Ontario having jurisdiction in probate matters under the seal of the court that granted such letters or grant or a notarial copy of such exemplification or certified copy. R.S.O. 1990, c. R.20, s. 53 (1); 1998, c. 18, Sched. E, s. 237 (1-3); 1999, c. 12, Sched. F, s. 37; 2000, c. 26, Sched. B, s. 17 (7-9); 2002, c. 14, Sched., s. 12.

(2)  Repealed: 1998, c. 18, Sched. E, s. 237 (4).

(3)-(7)  Repealed: 2009, c. 34, Sched. T, s. 3.

(8)  Repealed: 2012, c. 8, Sched. 51, s. 21.

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

1998, c. 18, Sched. E, s. 237 (1-4) - 18/12/1998; 1999, c. 12, Sched. F, s. 37 - 22/12/1999

[2000, c. 26, Sched. B, s. 17 (7-9)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s7) - 06/12/2000

[2002, c. 14, Sched., s. 12](http://www.ontario.ca/laws/statute/S02014" \l "scheds12) - 19/11/2002; [2002, c. 18, Sched. E, s. 8 (1-3)](http://www.ontario.ca/laws/statute/S02018" \l "schedes8s1) - 26/11/2002

[2009, c. 34, Sched. T, s. 3](http://www.ontario.ca/laws/statute/S09034" \l "schedts3) - 15/12/2009

[2012, c. 8, Sched. 51, s. 21](http://www.ontario.ca/laws/statute/S12008" \l "sched51s21) - 20/06/2012

Letters of administration

**54** Letters of administration and certificates of appointment of estate trustees without a will that under the Estates Administration Act affect land shall be registered in the same manner as a probate of a will. 1998, c. 18, Sched. E, s. 238.

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

1998, c. 18, Sched. E, s. 238 - 18/12/1998

Where registration of will, etc., required

**55** An instrument purporting to convey or otherwise deal with land in any manner shall not be registered if executed by any person as devisee, legatee, executor administrator or estate trustee of the estate of a deceased person who at the time of his or her death appears from the instrument to have been in any wise possessed of or interested in the land in question unless before the time of registration of the instrument the will or the letters probate of the will, the letters of administration or certificate of appointment of the estate trustee under which the person executing the instrument claims to be entitled has or have been registered in the registry division in which the land in question is situate and the registration date and number thereof have been inserted in the body of the instrument or in its margin. R.S.O. 1990, c. R.20, s. 55; 1998, c. 18, Sched. E, s. 239.

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

1998, c. 18, Sched. E, s. 239 - 18/12/1998

Discharge of mortgage

**56** (1)  A certificate of discharge, in the prescribed form, of a registered mortgage, executed by the mortgagee, the executor, administrator, estate trustee or assignee of the mortgagee, or by such other person as may be entitled by law to receive the money and to discharge the mortgage, may be registered. R.S.O. 1990, c. R.20, s. 56 (1); 1998, c. 18, Sched. E, s. 240 (1).

(2)  Repealed: 1998, c. 18, Sched. E, s. 240 (2).

(3)  Repealed: 1998, c. 18, Sched. E, s. 240 (2).

(4)  Repealed: 1998, c. 18, Sched. E, s. 240 (2).

(5)  Repealed: 1998, c. 18, Sched. E, s. 240 (2).

(6)  Repealed: 1998, c. 18, Sched. E, s. 240 (3).

Where plan registered after mortgage

(7)  Where land is mortgaged and subsequently subdivided by a registered plan of subdivision, judge’s plan, land registrar’s compiled plan, or any other registered plan by which lots are created, any certificate of discharge of the mortgage shall contain a description of the affected land with reference to the plan. R.S.O. 1990, c. R.20, s. 56 (7).

Deletion of entries

(8)  If the land registrar is satisfied that a registered instrument purporting to discharge a mortgage validly discharges the land described in the discharging instrument from any claim arising under the mortgage or under any other instrument relating exclusively to the mortgage, the land registrar shall,

(a) delete from the abstract index, in the manner that the Director of Titles specifies, the entry of the mortgage and all other instruments relating exclusively to the mortgage; or

(b) make an entry in the abstract index in the manner that the Director of Titles specifies indicating that the entry of the mortgage and all other instruments relating exclusively to the mortgage is deleted. 1998, c. 18, Sched. E, s. 240 (4); 2000, c. 26, Sched. B, s. 17 (10).

Exception

(9)  Despite subsection (8), the land registrar shall not delete the entry of an instrument in the abstract index for a lot or part of a lot unless he or she is satisfied that all the lot or part is free from claims under the instrument. R.S.O. 1990, c. R.20, s. 56 (9).

Effect of deletion

(10)  If the land registrar has complied with subsection (8), the land described in the discharging instrument is not affected by any claim under the mortgage or under any other instrument relating exclusively to the mortgage. 1998, c. 18, Sched. E, s. 240 (4).

Discharge of mortgage registered for ten years

(11)  Where it appears from the abstract index that an instrument purporting to be a valid discharge of a mortgage has been registered for ten or more years, and the entry of the mortgage or any other instrument relating exclusively thereto has not been deleted from the abstract index, the land described in the mortgage or instrument, or that part of the land described in the discharging instrument, as the case may be, is not affected by any claim under the mortgage or instrument or under any instrument relating exclusively thereto. R.S.O. 1990, c. R.20, s. 56 (11).

Instruments under s. 30

(12)  Subsections (8) to (11) apply with necessary modifications to instruments mentioned in section 30, as that section read immediately before December 18, 1998, and to every instrument purporting to discharge one of those instruments. 1998, c. 18, Sched. E, s. 240 (4, 5).

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

1998, c. 18, Sched. E, s. 240 (1-5) - 18/12/1998

[2000, c. 26, Sched. B, s. 17 (10)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s10) - 06/12/2000

[2012, c. 8, Sched. 51, s. 22 (1, 2)](http://www.ontario.ca/laws/statute/S12008" \l "sched51s22s1) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Change of name of mortgagee

**57** Subject to section 59, where, after the registration of a mortgage, the name of the person or corporation entitled to receive the money and to discharge the mortgage has changed or been changed, an explanation of the change of name,

(a) shall, in the case of a change of name by order under the Change of Name Actor by supplementary letters patent or articles of amendment, be noted in the body or margin of the certificate of discharge, with reference to the registration number of the certificate of order, supplementary letters patent, or certificate of amendment;

(b) shall, if made by an Act of Ontario or of any other jurisdiction, be noted in the body or margin of the certificate of discharge, with reference to the Act; or

(c) shall, if made upon or in consequence of marriage, annulment or dissolution of marriage, adoption or in any other way, be evidenced by a certificate issued under the Change of Name Act or other document specified by the Director of Titles, attached to the certificate of discharge. R.S.O. 1990, c. R.20, s. 57; 1993, c. 27, Sched.; 1998, c. 18, Sched. E, s. 241; 2002, c. 18, Sched. E, s. 8 (4).

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

[2002, c. 18, Sched. E, s. 8 (4)](http://www.ontario.ca/laws/statute/S02018" \l "schedes8s4) - 26/11/2002

[2012, c. 8, Sched. 51, s. 23](http://www.ontario.ca/laws/statute/S12008" \l "sched51s23) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Mortgage-of-a-mortgage, etc., not to be registered

**58** (1)  Subject to subsection (2),

(a) a mortgage-of-a-mortgage; or

(b) a discharge of a mortgage-of-a-mortgage,

executed after the 1st day of January, 1971 shall not be registered. R.S.O. 1990, c. R.20, s. 58 (1).

Exceptions

(2)  Where, upon an application made to him or her, a judge of the Superior Court of Justice is satisfied that there cannot be conveniently obtained and registered,

(a) an assignment of a mortgage containing a provision for reassignment to the assignor instead of a mortgage-of-a-mortgage; or

(b) an assignment of a mortgage-of-a-mortgage to the person entitled to redeem the mortgage-of-a-mortgage instead of a discharge of the mortgage-of-a-mortgage,

the judge may endorse his or her fiat on the mortgage-of-a-mortgage or discharge of a mortgage-of-a-mortgage, which may then be registered, despite subsection (1). R.S.O. 1990, c. R.20, s. 58 (2); 2000, c. 26, Sched. B, s. 17 (5).

Effect of registration of discharge

(3)  A discharge, even though registered under subsection (2), executed by the person entitled to receive the money under a mortgage-of-a-mortgage, or by the executor, administrator, legal personal representative, estate trustee or assignee of the person, does not operate as a discharge of the mortgaged mortgage unless,

(a) the right to discharge the mortgaged mortgage is conferred by the mortgage-of-a-mortgage, and such right is recited in the discharge;

(b) the mortgagor of the mortgage-of-a-mortgage has lost the right to redeem, by reason of foreclosure of or sale under the mortgage-of-a-mortgage, and the foreclosure or sale is evidenced by registered instruments; or

(c) upon an application made to him or her, a judge of the Superior Court of Justice is satisfied that the discharge when registered has the effect of discharging the mortgaged mortgage and the judge makes an order to that effect and the order is either endorsed on or attached to or registered after the discharge. R.S.O. 1990, c. R.20, s. 58 (3); 1998, c. 18, Sched. E, s. 242; 2000, c. 26, Sched. B, s. 17 (5).

Marking off mortgage

(4)  Despite section 56, a land registrar shall not mark off the entry in the abstract index of a mortgage or instrument dealing with the mortgage if a mortgage-of-the-mortgage was registered and the only registered discharge relating to the mortgage was of the mortgage-of-the-mortgage, except where, having regard to the provisions contained in the mortgage-of-the-mortgage and to subsection (3), he or she is satisfied that the discharge had the effect of discharging the mortgaged mortgage. R.S.O. 1990, c. R.20, s. 58 (4).

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

1998, c. 18, Sched. E, s. 242 - 18/12/1998

[2000, c. 26, Sched. B, s. 17 (5)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s5) - 06/12/2000

[2012, c. 8, Sched. 51, s. 24](http://www.ontario.ca/laws/statute/S12008" \l "sched51s24) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Discharge of mortgages held by amalgamated loan or trust corporations

**59** Where a loan or trust corporation that has acquired the assets of another loan or trust corporation by amalgamation of such corporations desires to discharge any of the mortgages of such corporation and the certificate of amalgamation or a certified or notarial copy thereof has been registered, it is sufficient to set forth in the instrument to be registered the fact of the assent of the Lieutenant Governor in Council or the Governor in Council, as the case may be, to the amalgamation with the date of the certificate of amalgamation and its registered number, or a reference to the Act by which the loan or trust corporations were amalgamated or by which the agreement was ratified, and upon registration of the discharge the land registrar shall enter in the abstract index the particulars of amalgamation mentioned in the discharge. R.S.O. 1990, c. R.20, s. 59.

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

[2012, c. 8, Sched. 51, s. 25](http://www.ontario.ca/laws/statute/S12008" \l "sched51s25) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Registration of discharge when mortgage paid off by subsequent mortgagee

**60** (1)  Where a mortgage has been paid off by any person advancing money by way of a new loan on mortgage on the same land and the mortgage so paid off or the discharge thereof is held by the mortgagee making the new loan, the discharge of the mortgage so paid off shall be registered within six months from the date thereof, unless the mortgagor has authorized, in writing, the retention of the discharge for a longer period. R.S.O. 1990, c. R.20, s. 60 (1).

Right of subsequent mortgagee

(2)  The registration does not affect the right, if any, of the mortgagee who may have paid off such mortgage, the assignee, or any person claiming under the mortgagee, by purchase or otherwise, to be subrogated to the rights of the mortgagee whose mortgage debt has been so paid. R.S.O. 1990, c. R.20, s. 60 (2).

Registration of discharge given by person other than the mortgagee

**61** (1)  Where the person entitled to receive the mortgage money and to discharge a registered mortgage is not the original mortgagee, the person shall, at the person’s own expense, cause to be registered before the registration of the certificate of discharge all the instruments or documents through which the person claims interest in and title to the mortgage money, and until those instruments or documents are registered the certificate of discharge shall not be registered. R.S.O. 1990, c. R.20, s. 61 (1).

Where document lost or destroyed

(2)  Where it is made to appear to a judge of the Superior Court of Justice that any instrument or document through which any person claims interest in and title to mortgage money has been destroyed or cannot be found, the judge may, upon such evidence by affidavit or otherwise as the judge may consider proper, dispense with the registration thereof and thereupon shall endorse upon the certificate of discharge or firmly attach thereto his or her order directing the land registrar to register the certificate of discharge despite the failure to register the instrument or document, and the land registrar shall thereupon register the certificate of discharge. R.S.O. 1990, c. R.20, s. 61 (2); 2000, c. 26, Sched. B, s. 17 (5).

Contents

(3)  The certificate shall mention the date of registration and the registration number of,

(a) each of the instruments or documents through which the person executing the certificate claims interest in and title to the mortgage money; and

(b) every other registered instrument relating exclusively to the mortgage. R.S.O. 1990, c. R.20, s. 61 (3).

Powers of attorney

(4)  This section applies to powers of attorney where the certificate of discharge or prior instrument or document is executed by attorney, except that it is sufficient in the certificate of discharge to state the date of each instrument, document or power of attorney and the names of the parties thereto, and to endorse on the certificate the date of registration and registration number of each instrument, document, or power of attorney, which endorsement shall be signed by the person who signed the certificate, or his or her attorney or agent, and the endorsement shall be deemed to be part of the certificate. R.S.O. 1990, c. R.20, s. 61 (4).

Application to judge for order to register instruments authorizing discharge to be given

(5)  Where the person whose duty it is to register such instruments or documents refuses or neglects to register them within fifteen days after payment of the mortgage money to the person, the person entitled to redeem the mortgage may, on giving ten days notice in writing to the person so refusing or neglecting, apply in a summary manner to a judge of the Superior Court of Justice for an order directing that the person so refusing or neglecting shall within a time to be fixed by the judge register the instruments or documents at the person’s own expense, and the judge, upon being satisfied by affidavit or oral evidence that the application is a proper one, may make the necessary order. R.S.O. 1990, c. R.20, s. 61 (5); 2000, c. 26, Sched. B, s. 17 (5).

Powers of judge

(6)  On being satisfied of the due service of the notice the judge may proceed in the absence of the person so refusing or neglecting. R.S.O. 1990, c. R.20, s. 61 (6).

Form of notice

(7)  The notice shall state that it is given in pursuance of this section. R.S.O. 1990, c. R.20, s. 61 (7).

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

[2000, c. 26, Sched. B, s. 17 (5)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s5) - 06/12/2000

[2012, c. 8, Sched. 51, s. 26](http://www.ontario.ca/laws/statute/S12008" \l "sched51s26) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Partial discharge of mortgage

**62** Where only part of the land mortgaged by a registered mortgage is to be discharged therefrom, a certificate of discharge, in the prescribed form, that includes a local description of the land, executed by the mortgagee, the executor, administrator, estate trustee or assignee of the mortgagee, or by such other person as may be entitled by law to receive the money and to discharge the mortgage, may be registered. R.S.O. 1990, c. R.20, s. 62; 1998, c. 18, Sched. E, s. 243.

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

1998, c. 18, Sched. E, s. 243 - 18/12/1998

Effect of registration of discharge of mortgage

**63** (1)  If a certificate of discharge under this Act and the regulations that complies with Part I of the Land Registration Reform Act and the regulations made under it is registered for a mortgage described in subsection (2), the certificate is valid and effectual as a conveyance to the mortgagor, the heirs or assigns of the mortgagor of the mortgagor’s original estate in the mortgaged land or in the part of the land described in the certificate, as the case may be. 1998, c. 18, Sched. E, s. 244.

Mortgage predating

(2)  Subsection (1) applies to a mortgage executed,

(a) before September 6, 1984, in the case of a mortgage affecting land in the County of Oxford as it existed on December 31, 1980; or

(b) before January 17, 1985, in the case of a mortgage affecting land elsewhere in Ontario. 1998, c. 18, Sched. E, s. 244.

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

1998, c. 18, Sched. E, s. 244 - 18/12/1998

Deeds to uses

**64** (1)  In this section,

“deed to uses” means a deed purporting to grant or convey land to such uses as the grantee may appoint, regardless of the method of appointment specified in the deed, and, until appointment or in default of appointment, purporting to grant or convey the land to the use of the grantee absolutely, and includes every such deed containing words of like import, but does not include a mortgage; (“acte accordant un droit d’usage”)

“grantee to uses” means a grantee named in a deed to uses. (“bénéficiaire du droit d’usage”) R.S.O. 1990, c. R.20, s. 64 (1).

Mortgage does not exhaust power

(2)  A mortgage made by a grantee to uses does not exhaust the grantee’s power of appointment. R.S.O. 1990, c. R.20, s. 64 (2).

Effect of discharge of mortgage

(3)  Despite the registration of a discharge of,

(a) a mortgage that was made by a grantee to uses; or

(b) a mortgage to which the land was subject when the grantee to uses became the grantee,

the grantee to uses may exercise the power of appointment as though the mortgage had not been made. R.S.O. 1990, c. R.20, s. 64 (3).

Application

(4)  This section applies to,

(a) land conveyed by a deed to uses registered on or after the 1st day of January, 1967; and

(b) land conveyed by a deed to uses registered before the 1st day of January, 1967, but not conveyed or devised until after that day by the grantee to uses by a deed or will. R.S.O. 1990, c. R.20, s. 64 (4).

Discharge of mortgage seized under execution

**65** (1)  Where a sheriff, bailiff of the Small Claims Court or other officer, under a writ or warrant of execution against goods, seizes a mortgage belonging to the person against whose goods the writ or warrant has issued, on or affecting land in Ontario, the payment of the mortgage money in whole or in part to the sheriff, bailiff, or other officer by the mortgagor, or any other person or any person claiming under the mortgagor, satisfies the mortgage to the extent of such payment. R.S.O. 1990, c. R.20, s. 65 (1).

Form of certificate of discharge

(2)  After payment of the mortgage money or any part thereof, the sheriff, bailiff or other officer shall, at the request and expense of the person requiring it, give a certificate in the prescribed form under the hand and seal of office of the sheriff or other officer, or under the hand of the bailiff and the seal of the Small Claims Court. R.S.O. 1990, c. R.20, s. 65 (2).

Seal of court

(3)  Upon the written request of the bailiff, the clerk of the division of the Small Claims Court of which he or she is bailiff shall affix to the certificate the seal of the court and the clerk shall file the request of the bailiff in his or her office. R.S.O. 1990, c. R.20, s. 65 (3).

(4)  Repealed: 1998, c. 18, Sched. E, s. 245 (1).

(5)  Repealed: 1998, c. 18, Sched. E, s. 245 (1).

Effect of certificate

(6)  A certificate of payment in full of a mortgage described in subsection (6.1), when registered, is as valid and effectual in law as a release of the mortgage and as a conveyance of the original estate of the mortgagor that is executed by the execution debtor and made to the mortgagor, the heirs, executors, administrators, estate trustees or assigns of the mortgagor, or any person lawfully claiming by, through or under the mortgagor or the heirs, executors, administrators, estate trustees or assigns of the mortgagor. 1998, c. 18, Sched. E, s. 245 (2).

Mortgage predating

(6.1)  Subsection (6) applies to a mortgage executed,

(a) before September 6, 1984, in the case of a mortgage affecting land in the County of Oxford as it existed on December 31, 1980; or

(b) before January 17, 1985, in the case of a mortgage affecting land elsewhere in Ontario. 1998, c. 18, Sched. E, s. 245 (2).

Effect of certificate of part payment

(7)  The certificate when registered, if it is of payment of only a part of the mortgage money, is as valid and effectual in law as a release of the mortgage, as to such part, as if executed by the execution debtor. R.S.O. 1990, c. R.20, s. 65 (7).

Notice of seizure of mortgage

(8)  Where a mortgage has been seized by a sheriff or bailiff of the Small Claims Court or other officer in the manner provided by law, and the seizure has been withdrawn, vacated or for any other reason set aside, the sheriff, bailiff or other officer under whose hand notice of seizure has issued, may give a certificate directed to the land registrar in whose office the notice of seizure is registered, to the effect that the seizure has been withdrawn, vacated or set aside, as the case may be. R.S.O. 1990, c. R.20, s. 65 (8).

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

1998, c. 18, Sched. E, s. 245 (1, 2) - 18/12/1998

[2012, c. 8, Sched. 51, s. 27](http://www.ontario.ca/laws/statute/S12008" \l "sched51s27) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Discharge of instrument given in relation to purchase of goods

**66** Instruments of the nature mentioned in section 30, as that section read immediately before December 18, 1998, may be discharged, and the land affected thereby released therefrom, by registering in the proper land registry office a certificate of discharge in the prescribed form. R.S.O. 1990, c. R.20, s. 66; 1998, c. 18, Sched. E, s. 246.

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

1998, c. 18, Sched. E, s. 246 - 18/12/1998

Effect when discharge of certain other instruments registered for two years

**67** (1)  Where it appears from the abstract index that an instrument purporting to be a valid discharge of,

(a) a certificate of pending litigation;

(b) a claim for a construction lien under the Construction Act or the Mechanics’ Lien Act, being chapter 261 of the Revised Statutes of Ontario, 1980;

(c) a certificate of action in respect of a construction lien under the Construction Act or the Mechanics’ Lien Act, being chapter 261 of the Revised Statutes of Ontario, 1980;

(d) a registered notice of a conditional sale contract;

(e) a registered gas or oil lease;

(f) a registered notice of security interest under the Personal Property Security Act;

(g) a certificate under subsection 3 (3) of the Housing Development Act;

(h) a registered notice of a lien under the Legal Aid Services Act, 2020 or a predecessor of that Act;

(i) a registered notice of a lien under the Ontario Works Act, 1997;

(j) a registered notice of a lien under the Ontario Disability Support Program Act, 1997;

(k) an instrument of a prescribed class,

has been registered for two or more years, the land described in the certificate, claim, notice or lease, or that portion of the land described in the discharging instrument, as the case may be, is not affected by any claim under the certificate, claim, notice or lease or under any instrument relating exclusively thereto. R.S.O. 1990, c. R.20, s. 67 (1); 1993, c. 27, Sched.; 1999, c. 12, Sched. F, s. 38 (1); 2002, c. 18, Sched. E, s. 8 (5); 2017, c. 24, s. 81 (3, 4); 2020, c. 11, Sched. 15, s. 58.

Deletion after two years

(2)  After the expiry of the two-year period mentioned in subsection (1), the land registrar may,

(a) delete from the abstract index, in the manner that the Director of Titles specifies, the entry of any instrument to which subsection (1) applies; or

(b) make an entry in the abstract index, in the manner that the Director of Titles specifies, indicating that the entry of any instrument to which subsection (1) applies is deleted. 1999, c. 12, Sched. F, s. 38 (2); 2000, c. 26, Sched. B, s. 17 (10).

Restriction

(3)  Despite subsection (2), the land registrar shall not take any action described in that subsection with respect to the entry of an instrument in the abstract index for a lot or part of a lot unless all the lot or part is free of claims under the instrument by virtue of the operation of subsection (1). 1999, c. 12, Sched. F, s. 38 (2).

Deletion at any time

(4)  The land registrar may,

(a) delete from the abstract index, in the manner that the Director of Titles specifies, the entry of a notice of the granting of a pension registered under section 13 of The Old Age Pensions Act, being chapter 258 of the Revised Statutes of Ontario, 1950, or any predecessor of that section; or

(b) make an entry in the abstract index, in the manner that the Director of Titles specifies, indicating that the entry of any instrument described in clause (a) is deleted. 1999, c. 12, Sched. F, s. 38 (2); 2000, c. 26, Sched. B, s. 17 (10).

Early deletion

(5)  If the land registrar is satisfied that an instrument purporting to be a discharge of an instrument mentioned in subsection (1) validly discharges the land described in the discharging instrument from any claim arising under the instrument being discharged or under any other instrument relating exclusively to the instrument being discharged, the land registrar may, before the expiry of the two-year period mentioned in that subsection,

(a) delete from the abstract index, in the manner that the Director of Titles specifies, the entry of the instrument being discharged and all other instruments relating exclusively to that instrument; or

(b) make an entry in the abstract index, in the manner that the Director of Titles specifies, indicating that the entry of the instrument being discharged and all other instruments relating exclusively to that instrument is deleted. 1999, c. 12, Sched. F, s. 38 (2); 2000, c. 26, Sched. B, s. 17 (10).

Effect of deletion

(6)  If the land registrar complies with subsection (2) or (5), the land described in the discharging instrument is not affected by any claim under the instrument being discharged. 1999, c. 12, Sched. F, s. 38 (2).

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

1993, c. 27, Sched. - 31/12/1991; 1999, c. 12, Sched. F, s. 38 (1, 2) - 22/12/1999

[2000, c. 26, Sched. B, s. 17 (10)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s10) - 06/12/2000

[2002, c. 18, Sched. E, s. 8 (5)](http://www.ontario.ca/laws/statute/S02018" \l "schedes8s5) - 26/11/2002

[2012, c. 8, Sched. 51, s. 28 (1-4)](http://www.ontario.ca/laws/statute/S12008" \l "sched51s28s1) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

[2017, c. 24, s. 81 (3)](http://www.ontario.ca/laws/statute/S17024" \l "s81s3) - 12/12/2017; [2017, c. 24, s. 81 (4)](http://www.ontario.ca/laws/statute/S17024" \l "s81s4) - 01/07/2018

[2020, c. 11, Sched. 15, s. 58](http://www.ontario.ca/laws/statute/S20011" \l "sched15s58) - 18/10/2021

Registration of order

**68** Every order of the Ontario Land Tribunal or other order or instrument whereby a local municipality becomes incorporated or the boundaries of a municipality are enlarged, diminished or altered, may be registered in the proper land registry office. 2002, c. 17, Sched. F, Table.; 2021, c. 4, Sched. 6, s. 85 (2)

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

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs1s1) - 01/01/2003

[2021, c. 4, Sched. 6, s. 85 (2)](http://www.ontario.ca/laws/statute/S21004" \l "sched6s85s2) - 01/06/2021

Certified copies, notarial copies

**69** Where any provision of this Act requires or permits the registration of a certified or notarial copy of an instrument, the instrument may be registered instead of a copy. R.S.O. 1990, c. R.20, s. 69.

Registration and its Effect

Effect of unregistered instruments

**70** (1)  After the grant from the Crown of land, and letters patent issued therefor, every instrument affecting the land or any part thereof shall be adjudged fraudulent and void against any subsequent purchaser or mortgagee for valuable consideration without actual notice, unless the instrument is registered before the registration of the instrument under which the subsequent purchaser or mortgagee claims. R.S.O. 1990, c. R.20, s. 70 (1).

Exception as to certain leases

(2)  This section does not extend to a lease for a term not exceeding seven years where the actual possession goes along with the lease, but it does extend to every lease for a longer term than seven years. R.S.O. 1990, c. R.20, s. 70 (2).

Exception as to certain by-laws

(3)  This section does not extend and shall be deemed never to have extended to,

(a) a by-law passed before the 6th day of April, 1954 under section 390 of The Municipal Act, being chapter 243 of the Revised Statutes of Ontario, 1950 or a predecessor of that section;

(b) a by-law passed after the 5th day of April, 1954 under section 390 of The Municipal Act, being chapter 243 of the Revised Statutes of Ontario, 1950 or under section 34 of the Planning Act or a predecessor of that section of the Planning Act; or

(c) any other municipal by-law, heretofore or hereafter passed, affecting land that does not directly affect the title to land. R.S.O. 1990, c. R.20, s. 70 (3).

Actual notice

**71** Priority of registration prevails unless before the prior registration there has been actual notice of the prior instrument by the person claiming under the prior registration. R.S.O. 1990, c. R.20, s. 71.

Certificate of title

**71.1**A certificate of title that is registered in accordance with the Certification of Titles Act, as that Act read immediately before subsection 2 (1) of Schedule 17 to the Good Government Act, 2009 came into force, is conclusive as of the day, hour and minute stated in the certificate that the title of the person named as owner of the land described in the certificate was absolute and indefeasible as regards the Crown and all persons whomsoever, subject only to the exceptions, limitations, qualifications, reservations, conditions, covenants, restrictions, charges, mortgages, liens and other encumbrances mentioned in the certificate. 2009, c. 33, Sched. 17, s. 12 (5).

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

[2009, c. 33, Sched. 17, s. 12 (5)](http://www.ontario.ca/laws/statute/S09033" \l "sched17s12s5) - 15/12/2009

Equitable liens, and tacking

**72** No equitable lien, charge or interest affecting land is valid as against a registered instrument executed by the same person, the heirs or assigns of the person, and tacking shall not be allowed in any case to prevail against the provisions of this Act. R.S.O. 1990, c. R.20, s. 72.

Effect of subsequent registered conveyances on mortgage money paid subsequently

**73** A registered mortgage is, as against the mortgagor, the heirs, executors, administrators, estate trustees, assigns of the mortgagor and every other person claiming by, through or under the mortgagor, a security upon the land comprised therein to the extent of the money or money’s worth actually advanced or supplied under the mortgage, not exceeding the amount for which the mortgage is expressed to be a security, although the money or money’s worth, or some part thereof, was advanced or supplied after the registration of a conveyance, mortgage or other instrument affecting the mortgaged land, executed by the mortgagor, the heirs, executors, administrators or estate trustees of the mortgagor, and registered subsequently to the first-mentioned mortgage, unless before advancing or supplying the money or money’s worth, the mortgagee in the first-mentioned mortgage had actual notice of the execution and registration of such conveyance, mortgage or other instrument, and the registration of such conveyance, mortgage or other instrument after the registration of the first-mentioned mortgage, does not constitute actual notice. R.S.O. 1990, c. R.20, s. 73; 1998, c. 18, Sched. E, s. 248.

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

1998, c. 18, Sched. E, s. 248 - 18/12/1998

Registration to be notice

**74** (1)  The registration of an instrument under this or any former Act constitutes notice of the instrument to all persons claiming any interest in the land, subsequent to such registration, despite any defect in the proof for registration, but nevertheless it is the duty of a land registrar not to register any instrument except on such proof as is required by this Act. R.S.O. 1990, c. R.20, s. 74 (1).

Where subs. (1) does not apply

(2)  Subsection (1) does not apply to an instrument entered in the by-law index or to an instrument registered as a general registration under subsection 18 (1) or (6) or under predecessors of those subsections,

(a) unless an entry of the instrument appears in the abstract index;

(b) unless an entry of a declaration under section 25 or a predecessor of that subsection referring to the instrument appears in the abstract index; or

(c) unless the instrument is mentioned in a subsequently registered instrument and an entry of the latter instrument or of a declaration referring thereto, as mentioned in clause (b), appears in the abstract index. R.S.O. 1990, c. R.20, s. 74 (2); 1998, c. 18, Sched. E, s. 249 (1).

Deemed notice

(3)  For the purposes of subsection (1), the registration of a notice under section 113 or a statement under section 25 constitutes registration of the instrument referred to in the notice or statement. 1998, c. 18, Sched. E, s. 249 (2).

Idem

(4)  The registration of a notice under subsection 22 (7) or (8) constitutes notice only of the particulars contained in the notice. R.S.O. 1990, c. R.20, s. 74 (4).

Where no notice

(5)  After the expiry of a notice registered under subsection 22 (8), the notice shall not constitute notice of the agreement, option or assignment or of any particulars referred to in the notice. R.S.O. 1990, c. R.20, s. 74 (5).

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

1998, c. 18, Sched. E, s. 249 (1, 2) - 18/12/1998

[2012, c. 8, Sched. 51, s. 29 (1-3)](http://www.ontario.ca/laws/statute/S12008" \l "sched51s29s1) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Instruments giving authority to sell land, limit on effect

**75** An instrument that is or purports to be a power of attorney or authority to sell land in which the commission, payment for services, or other remuneration of the attorney or agent is made a charge on the land, as against a subsequent purchaser or mortgagee for valuable consideration and as against the creditors of the person giving the power or authority, ceases to charge the land with the commission, payment for services, or remuneration after the lapse of one year from the making of the instrument. R.S.O. 1990, c. R.20, s. 75.

Corrections

**76** (1)  Except in the manner hereinafter provided, after an instrument has been recorded, no alteration or correction shall be made to any entry previously made respecting the instruments. R.S.O. 1990, c. R.20, s. 76 (1).

Method

(2)  The land registrar shall, immediately after becoming aware of any omission or error in recording or deleting,

(a) make, date and certify the necessary entries, alterations or corrections in the manner that the Director of Titles specifies, unless the Director of Titles authorizes the land registrar not to make them; and

(b) notify all persons who may be adversely affected by the necessary entries, alterations or corrections. R.S.O. 1990, c. R.20, s. 76 (2); 1998, c. 18, Sched. E, s. 250; 1999, c. 12, Sched. F, s. 39; 2000, c. 26, Sched. B, s. 17 (10).

Re-entry of instruments not referring to prior registered plan

(3)  Where, after the registration of a plan, instruments affecting land within the plan were registered that did not conform and refer thereto, the land registrar shall, when he or she considers it necessary or when so directed by the Director of Titles, cause the instruments to be recorded in the proper abstract index in accordance with subsection (2). R.S.O. 1990, c. R.20, s. 76 (3); 2000, c. 26, Sched. B, s. 17 (10).

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

1999, c. 12, Sched. F, s. 39 (1, 2) - 22/12/1999

[2000, c. 26, Sched. B, s. 17 (10)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s10) - 06/12/2000

[2012, c. 8, Sched. 51, s. 30](http://www.ontario.ca/laws/statute/S12008" \l "sched51s30) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Deemed registration

**77** An instrument capable of and properly proved for registration shall be deemed to be registered when the land registrar has accepted it for registration in accordance with the regulations and no alteration may be made to it after that time. 1998, c. 18, Sched. E, s. 251.

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

1998, c. 18, Sched. E, s. 251 - 18/12/1998

[2012, c. 8, Sched. 51, s. 30](http://www.ontario.ca/laws/statute/S12008" \l "sched51s30) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Plans

Registered plan of subdivision

**78** (1)  A plan of subdivision shall not be registered unless it has been prepared by a surveyor and unless it complies with the regulations. R.S.O. 1990, c. R.20, s. 78 (1).

Idem

(2)  An instrument that refers to a plan of subdivision shall not be registered unless the plan of subdivision is registered. R.S.O. 1990, c. R.20, s. 78 (2).

Effect of mortgagee’s consent

(3)  The consent of the mortgagee to a plan of subdivision, when registered, discharges from the mortgage any land dedicated by the owner as a public highway and any land designated as a reserve that is conveyed to the corporation of the municipality in which the land is situate. R.S.O. 1990, c. R.20, s. 78 (3).

Plans of unpatented lands

(4)  The land registrar shall not register a plan of a subdivision of land for which a Crown patent has not issued unless the assent of the Minister of Natural Resources to the registration is endorsed on the plan. R.S.O. 1990, c. R.20, s. 78 (4).

Consents required

(5)  The land registrar shall not register a plan of subdivision of land unless every person who appears on the abstract index to be the owner of the land has endorsed the plan as owner and unless every person who appears by the abstract index to be a mortgagee of the land consents in writing, but nothing in this section shall be deemed to require the consent to any such plan of the owner of an easement or right in the nature of an easement in respect of the land. R.S.O. 1990, c. R.20, s. 78 (5).

Where consent of mortgagee not required

(6)  Subsection (5) does not require the consent of a mortgagee unless the plan of subdivision dedicates part of the land to which the mortgage applies as a public highway. R.S.O. 1990, c. R.20, s. 78 (6).

Approvals under *Planning Act*

(7)  No plan to which the Planning Actapplies, except a plan registered under section 83 or 91 of this Act, shall be registered unless approved under the Planning Act. R.S.O. 1990, c. R.20, s. 78 (7).

Claim under *Family Law Act*

(8)  Land dedicated by its owner for a street or public highway is not subject to any claim under Part II of the Family Law Act by the spouse of the person by whom it was dedicated. R.S.O. 1990, c. R.20, s. 78 (8); 1993, c. 27, Sched.

Where plans required to be registered

(9)  A plan of subdivision of land that is within an area to which the Land Titles Actapplies shall not be registered under this Act, subject to subsection 144 (2) of the Land Titles Act. R.S.O. 1990, c. R.20, s. 78 (9).

Where land in certification area

(10)  Subject to the regulations, a plan of subdivision of land that is within a certification area shall not be registered under this Act unless,

(a) the title of the owner of the land has been certified under the Certification of Titles Act, as that Act read immediately before subsection 2 (1) of Schedule 17 to the Good Government Act, 2009 came into force; or

(b) the plan is accepted for registration within six months after the designation of the area in which the land is situate as a certification area.

(c) Repealed: 2009, c. 33, Sched. 17, s. 12 (7).

R.S.O. 1990, c. R.20, s. 78 (10); 2009, c. 33, Sched. 17, s. 12 (6, 7).

Where description required to be registered

(11)  A description as defined in the Condominium Act, 1998 in respect of land that is within an area to which the Land Titles Actapplies but not within an area designated under subsection 144 (3) of the Land Titles Actshall not be registered under this Act. R.S.O. 1990, c. R.20, s. 78 (11); 2009, c. 33, Sched. 17, s. 12 (8).

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

1993, c. 27, Sched. - 31/12/1991

[2009, c. 33, Sched. 17, s. 12 (6-8)](http://www.ontario.ca/laws/statute/S09033" \l "sched17s12s6) - 15/12/2009

[2012, c. 8, Sched. 51, s. 31 (1, 2)](http://www.ontario.ca/laws/statute/S12008" \l "sched51s31s1) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Examination of survey

**79** (1)  The examiner of surveys, an assistant examiner of surveys or a person acting under the direction of either of them may, in order to carry out an examination of a plan of survey, for the purposes of this or any other Act, examine the survey on the ground. R.S.O. 1990, c. R.20, s. 79 (1).

Right of entry

(2)  Any person referred to in subsection (1), while in the exercise of the powers conferred by subsection (1), may,

(a) at any time enter and pass over the land of any person; or

(b) at a time suitable to the occupant of a building enter the building,

and do any act thereon or therein for any purpose of the examination. R.S.O. 1990, c. R.20, s. 79 (2).

Offence

(3)  Every person who interferes with or obstructs the examiner of surveys, an assistant examiner of surveys or a person referred to in subsection (1) in the exercise of any of the powers conferred by subsection (1) or (2) is guilty of an offence. R.S.O. 1990, c. R.20, s. 79 (3).

Where reference plan required

**80** (1)  Subject to section 81, a deed or other conveyance or mortgage of land shall not be registered unless,

(a) the land is the whole part remaining to the owner of the land described in a registered conveyance to the owner;

(b) the land consists of the whole of a lot, block, street, lane, reserve or common according to a registered plan of subdivision, judge’s plan or municipal plan under section 91;

(c) the land is the whole of a Part according to a previously recorded reference plan; or

(d) the land is shown on a plan, to be known as a reference plan, prepared and deposited in accordance with the regulations. R.S.O. 1990, c. R.20, s. 80 (1).

Exception

(2)  The land registrar, having regard to the circumstances, may order that subsection (1) does not apply in the case of a conveyance or mortgage mentioned in the order. R.S.O. 1990, c. R.20, s. 80 (2).

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

[2012, c. 8, Sched. 51, s. 32](http://www.ontario.ca/laws/statute/S12008" \l "sched51s32) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Where land registrar may require reference plan

**81** (1)  Where an instrument submitted for registration contains a description of land that in the opinion of the land registrar is complex or vague, he or she may require a plan of the land to be deposited as a reference plan before accepting the instrument for registration. R.S.O. 1990, c. R.20, s. 81 (1).

Saving

(2)  Where the land registrar is satisfied that compliance with a requirement made under subsection (1) would be unreasonable, having regard to the circumstances, he or she may accept, in lieu of a reference plan, a sketch of the land prepared in accordance with the regulations. R.S.O. 1990, c. R.20, s. 81 (2).

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

[2012, c. 8, Sched. 51, s. 33](http://www.ontario.ca/laws/statute/S12008" \l "sched51s33) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Plan index

**82** The land registrar shall keep a plan index in the form that the Director of Titles specifies. 1998, c. 18, Sched. E, s. 252; 2000, c. 26, Sched. B, s. 17 (10).

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

1998, c. 18, Sched. E, s. 252 - 18/12/1998

[2000, c. 26, Sched. B, s. 17 (10)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s10) - 06/12/2000

[2012, c. 8, Sched. 51, s. 33](http://www.ontario.ca/laws/statute/S12008" \l "sched51s33) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Land registrar’s compiled plan

**83** (1)  Where and as the examiner of surveys directs, the land registrar, taking account of registered instruments and deposited plans, shall prepare and register a plan of an area designated by the examiner of surveys. R.S.O. 1990, c. R.20, s. 83 (1).

Idem

(2)  A plan prepared and registered under subsection (1) shall be known as a Land Registrar’s Compiled Plan. R.S.O. 1990, c. R.20, s. 83 (2).

New abstract index

(3)  Where and as the Director of Titles directs, the land registrar, taking account of registered instruments and deposited plans, shall,

(a) divide an area designated by the Director of Titles into parcels for abstract purposes;

(b) create a new heading in the abstract index for each parcel; and

(c) record previously registered instruments and deposited documents affecting or relating to the designated area under the new headings. R.S.O. 1990, c. R.20, s. 83 (3); 2000, c. 26, Sched. B, s. 17 (10).

Easements

(4)  A parcel may include a reference to any easement in respect of which the land is the dominant or servient tenement. R.S.O. 1990, c. R.20, s. 83 (4).

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

[2000, c. 26, Sched. B, s. 17 (10)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s10) - 06/12/2000

[2012, c. 8, Sched. 51, s. 34](http://www.ontario.ca/laws/statute/S12008" \l "sched51s34) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Abstract index to original lots

**84** (1)  Where a plan of a subdivision of a lot or part of a lot has been or is registered, the land registrar, when directed so to do by the Director of Titles, shall prepare an abstract of all instruments affecting the part subdivided, and enter the same in the page or pages of the abstract index book immediately preceding the abstract as to the first lot on the plan. R.S.O. 1990, c. R.20, s. 84 (1); 2000, c. 26, Sched. B, s. 17 (10).

Idem

(2)  Whenever a further subdivision of any of the lots on a plan is made, the land registrar, when directed so to do by the Director of Titles, shall prepare and enter in like manner an abstract of all instruments affecting the part so subdivided from the registration of the previous plan. R.S.O. 1990, c. R.20, s. 84 (2); 2000, c. 26, Sched. B, s. 17 (10).

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

[2000, c. 26, Sched. B, s. 17 (10)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s10) - 06/12/2000

[2012, c. 8, Sched. 51, s. 35](http://www.ontario.ca/laws/statute/S12008" \l "sched51s35) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Registration of instrument referring to an unregistered plan

**85** Subject to the regulations, no instrument referring to an unregistered plan shall be registered unless an instrument referring to the plan has been registered in respect of the same land, and, if the land registrar objects to the registration of an instrument on the ground that it refers to an unregistered plan, he or she may refuse to register the instrument unless the person desiring its registration refers the land registrar to the number of an instrument registered in respect of the same land referring to the unregistered plan. R.S.O. 1990, c. R.20, s. 85.

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

[2012, c. 8, Sched. 51, s. 36](http://www.ontario.ca/laws/statute/S12008" \l "sched51s36) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

When instruments not conforming to proper plan may be registered

**86** (1)  Where an instrument that does not conform and refer to the proper plan has been duly executed and any party thereto has died, or, where it would, in the opinion of the land registrar, be impossible or inconvenient to obtain a new instrument containing the proper description, the instrument may be registered if accompanied by a statement in the prescribed form annexed thereto or endorsed thereon. R.S.O. 1990, c. R.20, s. 86 (1); 1998, c. 18, Sched. E, s. 253 (1).

Duty of land registrar

(2)  The land registrar shall thereupon enter the instrument in the abstract index in which the subdivision is entered under the lots designated in the statement, and no entry shall be made in the abstract index of the land before its subdivision. R.S.O. 1990, c. R.20, s. 86 (2); 1998, c. 18, Sched. E, s. 253 (2).

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

1998, c. 18, Sched. E, s. 253 (1, 2) - 18/12/1998

[2012, c. 8, Sched. 51, s. 37 (1, 2)](http://www.ontario.ca/laws/statute/S12008" \l "sched51s37s1) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

When registered plan not signed by an owner becomes binding

**87** (1)  Where a parcel of land has been included in a registered plan of subdivision that was not signed by the owner of the parcel and the parcel is subsequently described in a registered deed or other conveyance as being within the plan, the plan is as binding upon the grantee of the parcel and all persons claiming under the grantee as if the plan had been signed by the owner of the parcel. R.S.O. 1990, c. R.20, s. 87 (1).

Saving

(2)  Subsection (1) does not affect the rights of a mortgagee whose mortgage was registered before the deed or other conveyance, mentioned in subsection (1), was registered. R.S.O. 1990, c. R.20, s. 87 (2).

Powers of judge to make order

**88** (1)  The council of any municipality may apply to a judge of the Superior Court of Justice, and the judge has power to make orders and directions,

(a) for the hearing of the application upon such notice as the judge may direct;

(b) to cancel or suspend in whole or in part any registered plan;

(c) to close, divert or alter any or all highways, roads, streets or lanes shown on any such plan, either temporarily or permanently, or pending the suspension of the plan;

(d) to provide that the lands or any part or parts thereof shown on any such plan shall thereafter, or pending such suspension or until further order of the judge, be known and described by the original township or other registration numbers or designations used prior to the registration of any such plan, or such other numbers or descriptions as to the judge may seem convenient, but shall not assign a property identifier to the lands or alter any property identifier that has been assigned under subsection 21 (2) or (4);

(e) to impose such terms and conditions as to the judge may seem proper;

(f) to fix and determine the fees and charges to be imposed and collected by land registrars for all and any services under this section, and by whom the same shall be payable;

(g) to reinstate in whole or in part any plan suspended as aforesaid,

and the judge has power to make such further or other order, direction or disposition as the judge, in his or her discretion, may consider proper. R.S.O. 1990, c. R.20, s. 88 (1); 2000, c. 26, Sched. B, s. 17 (5).

Appeal from order

(2)  The Minister or any person affected by an order made under subsection (1) may appeal the order to the Divisional Court. R.S.O. 1990, c. R.20, s. 88 (2).

(3)  Repealed: 1999, c. 12, Sched. M, s. 32.

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

1999, c. 12, Sched. M, s. 32 - 22/12/1999

[2000, c. 26, Sched. B, s. 17 (5)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s5) - 06/12/2000

[2012, c. 8, Sched. 51, s. 38](http://www.ontario.ca/laws/statute/S12008" \l "sched51s38) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Correction of plan

**89** An error, defect or omission in a registered or deposited plan may be corrected in accordance with the regulations. R.S.O. 1990, c. R.20, s. 89.

Unregistered plans of subdivision, etc.

**90** Where land has been sold in accordance with or by reference to surveys or subdivisions that so differ from the manner in which the land was surveyed or granted by the Crown that parcels so sold cannot be easily identified unless the plan is registered, the plan shall be registered if still in existence and procurable for registration. R.S.O. 1990, c. R.20, s. 90.

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

[2012, c. 8, Sched. 51, s. 39](http://www.ontario.ca/laws/statute/S12008" \l "sched51s39) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Municipal plans

**91** (1)  Where land in a municipality has been sold under surveys or subdivisions made in a manner that so differs from that in which the land was surveyed or granted by the Crown that the parcels sold cannot be easily identified, and the plan has not been registered, the council of the municipality may cause a plan of the land to be made and, with the approval of the examiner of surveys endorsed thereon, registered, and the expenses of the preparation and registration of the plan may be paid in whole or in part by a special rate to be levied by assessment on the land comprised in the plan as described in a by-law to be passed for the purpose of levying such rate. R.S.O. 1990, c. R.20, s. 91 (1).

Designation of lots

(2)  A plan prepared under subsection (1) shall show such subdivisions of original lots as are shown by registered plans, and such as are not so shown but appear from the instruments relating to the land, with each of the lots as shown on the new plan numbered or lettered in such a manner that they may be readily identified. R.S.O. 1990, c. R.20, s. 91 (2).

Plan to comply with regulations

(3)  A plan under this section shall be prepared and registered in accordance with the regulations. R.S.O. 1990, c. R.20, s. 91 (3).

**92** Repealed: R.S.O. 1990, c. R.20, s. 92 (6).

Note: Section 92 was repealed by proclamation on July 30, 1997 and all restraining orders and directions designating areas of land as subdivision plan areas made under section 92 or a predecessor thereof are rescinded on July 30, 1997. See: R.S.O. 1990, c. R.20, s. 92 (6).

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

R.S.O. 1990, c. R.20, s. 92 (6) - 30/07/1997

Condominium declaration and description

**93** A declaration and description, as defined in the Condominium Act, 1998, shall not be registered under this Act unless a certificate of title under the Certification of Titles Act, as that Act read immediately before subsection 2 (1) of Schedule 17 to the Good Government Act, 2009 came into force, showing the person by whom the declaration and description are being registered as the owner in fee simple of the land has been registered. 2009, c. 33, Sched. 17, s. 12 (9).

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

[2009, c. 33, Sched. 17, s. 12 (9)](http://www.ontario.ca/laws/statute/S09033" \l "sched17s12s9) - 15/12/2009

Fees of Land Registrars

Fees in cases not provided for

**94** (1)  Where an Act requires or permits an instrument to be registered, deposited or filed in a land registry office or requires a land registrar to perform any service and no fees therefor are provided by this Act or the regulations or by any other Act of Ontario, the land registrar, in the absence of any express provision requiring him or her to perform such services gratuitously, is entitled to such reasonable fees therefor as the Director may fix, to be paid by the person requiring the service to be performed. R.S.O. 1990, c. R.20, s. 94 (1).

Idem

(2)  Where an Act provides a fee for registration but does not provide a fee for additional entries where the instrument embraces more than one lot or parcel, the Director may, subject to the regulations, fix the fee to be paid to the land registrar in respect of each lot or parcel after the first. R.S.O. 1990, c. R.20, s. 94 (2).

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

[2012, c. 8, Sched. 51, s. 40 (1, 2)](http://www.ontario.ca/laws/statute/S12008" \l "sched51s40s1) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Disputes as to fees

**95** (1)  Where a dispute arises in regard to any question of fees under this Act, the land registrar shall forthwith submit the dispute to the Director, and shall thereupon notify the person interested or the person’s agent of such submission, and the decision of the Director upon the question submitted is final, unless appealed from and varied upon appeal as hereinafter mentioned. R.S.O. 1990, c. R.20, s. 95 (1).

Reduction of fees

(2)  Where, in the opinion of the Director, a fee payable under this Act is unduly excessive, having regard to all the circumstances, the Director may reduce the fee to such amount as he or she considers appropriate. R.S.O. 1990, c. R.20, s. 95 (2).

Appeal from Director

(3)  All decisions given by the Director shall be in writing, and the appeal therefrom shall be to the Divisional Court in accordance with the rules of court. R.S.O. 1990, c. R.20, s. 95 (3).

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

[2012, c. 8, Sched. 51, s. 41](http://www.ontario.ca/laws/statute/S12008" \l "sched51s41) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Record of fees, etc.

**96** Upon receiving an instrument for registration or a document or plan for deposit, it and the fee charged shall be recorded in the manner approved by the Director. 2012, c. 8, Sched. 51, s. 42.

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

[2012, c. 8, Sched. 51, s. 42](http://www.ontario.ca/laws/statute/S12008" \l "sched51s42) - 13/10/2020

Director

Duties of Director

**97** The Director shall,

(a) direct how and in what manner any particular act shall be done or amendment or correction made to whatever the Director may find amiss, if the directions relate to the powers and duties of the Director; and

(b) perform the other duties that the Minister prescribes. 2012, c. 8, Sched. 51, s. 42.

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

1998, c. 18, Sched. E, s. 254 (1-3) - 18/12/1998

[2000, c. 26, Sched. B, s. 17 (12-14)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s12) - 06/12/2000

[2012, c. 8, Sched. 51, s. 42](http://www.ontario.ca/laws/statute/S12008" \l "sched51s42) - 13/10/2020

**97.1**Repealed: 2012, c. 8, Sched. 51, s. 42.

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

[2000, c. 26, Sched. B, s. 17 (15)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s15) - 06/12/2000

[2012, c. 8, Sched. 51, s. 42](http://www.ontario.ca/laws/statute/S12008" \l "sched51s42) - 13/10/2020

Application of *Public Inquiries Act, 2009*

**98** If the Director or the Director of Titles, in the performance of duties under this Act, has occasion to make an inquiry or to determine any matter, section 33 of the Public Inquiries Act, 2009 applies to that inquiry or determination. 2009, c. 33, Sched. 6, s. 83.

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

[2000, c. 26, Sched. B, s. 17 (16)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s16) - 06/12/2000

[2009, c. 33, Sched. 6, s. 83](http://www.ontario.ca/laws/statute/S09033" \l "sched6s83) - 01/06/2011

[2012, c. 8, Sched. 51, s. 43](http://www.ontario.ca/laws/statute/S12008" \l "sched51s43) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Information from land registrars

**99** Every land registrar shall transmit to the Director or the Director of Titles those particulars with reference to the business of the land registrar’s office that the Director or the Director of Titles, as the case may be, requires. 2000, c. 26, Sched. B, s. 17 (16).

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

[2000, c. 26, Sched. B, s. 17 (16)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s16) - 06/12/2000

[2012, c. 8, Sched. 51, s. 44](http://www.ontario.ca/laws/statute/S12008" \l "sched51s44) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Orders of Director of Titles

**100** (1)  The Director of Titles may make orders specifying anything that subsection 49 (1), 50 (1), 56 (8), clause 57 (c) or subsection 76 (2) or section 105 or 108 requires or authorizes the Director of Titles to specify. 1998, c. 18, Sched. E, s. 255; 2000, c. 26, Sched. B, s. 17 (17); 2002, c. 18, Sched. E, s. 8 (6).

Not regulations

(2)  An order made by the Director of Titles under subsection (1) is not a regulation within the meaning of Part III (Regulations) of the Legislation Act, 2006. 1998, c. 18, Sched. E, s. 255; 2000, c. 26, Sched. B, s. 17 (17); 2006, c. 21, Sched. F, s. 136 (1).

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

1998, c. 18, Sched. E, s. 255 - 18/12/1998

[2000, c. 26, Sched. B, s. 17 (17)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s17) - 06/12/2000

[2002, c. 18, Sched. E, s. 8 (6)](http://www.ontario.ca/laws/statute/S02018" \l "schedes8s6) - 26/11/2002

[2006, c. 21, Sched. F, s. 136 (1)](http://www.ontario.ca/laws/statute/S06021" \l "schedfs136s1) - 25/07/2007

[2012, c. 8, Sched. 51, s. 45 (1, 2)](http://www.ontario.ca/laws/statute/S12008" \l "sched51s45s1) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Penalty for Altering Books or Documents

Offences

**101** (1)  A person, other than the land registrar or other officer when entitled by law to do so, is guilty of an offence if the person,

(a) alters any book, record, plan, registered instrument or deposited document;

(b) by any means or in any way adds to or takes from the contents of any book, record, plan, instrument or document; or

(c) removes or attempts to remove any book, record, plan, instrument or document from the place where it is kept. 2006, c. 34, s. 22 (1).

Exception

(2)  Subsection (1) does not apply to alterations to a record made by direct electronic transmission under Part III of the Land Registration Reform Act. 2006, c. 34, s. 22 (1).

Penalty

(3)  A person who is convicted of an offence under this section is liable to,

(a) a fine of not more than $50,000 or imprisonment for a term of not more than two years less a day, or both, for each book, record, plan, instrument or document that the person alters, removes or attempts to remove, if the person is an individual; and

(b) a fine of not more than $250,000 for each book, record, plan, instrument or document that the person alters, removes or attempts to remove, if the person is a corporation. 2006, c. 34, s. 22 (1).

Order for compensation or restitution

(4)  If a person is convicted of an offence under this section, the court making the conviction may, in addition to any other penalty, order the person convicted to pay compensation or to make restitution. 2006, c. 34, s. 22 (1).

Limitation

(5)  No proceeding under this section shall be commenced more than six years after the facts upon which the proceeding is based first came to the knowledge of the Director of Titles. 2006, c. 34, s. 22 (1).

Evidence

(6)  A statement as to the time when the facts on which the proceeding is based first came to the knowledge of the Director of Titles, that purports to be certified by the Director of Titles, is, without proof of the person’s office or signature, evidence of the facts stated in it. 2006, c. 34, s. 22 (1).

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

1994, c. 27, s. 99 (4) - 09/12/1994

[2006, c. 34, s. 22 (1)](http://www.ontario.ca/laws/statute/S06034" \l "s22s1) - 20/12/2006

[2012, c. 8, Sched. 51, s. 46 (1, 2)](http://www.ontario.ca/laws/statute/S12008" \l "sched51s46s1) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Powers of Minister

Minister’s orders

**101.1**  (1)  Except with respect to matters for which the Director of Titles may make orders under section 100, the Minister may make orders,

1. conferring on the Director or the Director of Titles the powers that are necessary for carrying out the provisions of this Act or any other Act relating to the duties of the land registrars;

2. specifying the manner in which land is to be divided into blocks and properties;

3. specifying the manner in which property maps and other maps are to be prepared and maintained, and specifying those other maps;

4. specifying the manner in which property identifiers are to be assigned;

5. specifying the manner in which the abstract index is to be created and maintained;

6. specifying other indexes and records and the manner in which they are to be maintained for the purpose of subsection 21 (6);

7. governing the content of alphabetical or deposit indexes and dispensing with the indexes in any registry division;

8. specifying the form and manner in which entries in the records of land registry offices are to be made;

9. specifying the manner in which instruments are to be entered for the purpose of subsection 21 (7).

10. specifying the manner in which entries are to be certified;

11. specifying methods and standards of recording by photographic film or image recording and providing for the storage of the film or the image recording;

12. specifying methods and standards for computer entry, storage and retrieval of information;

13. governing the custody, disposition and destruction of instruments and records of land registry offices;

14. specifying the manner in which instruments, documents, books, public records and facsimiles of them are to be produced for inspection;

15. specifying the manner in which copies of instruments, documents, books and public records are to be produced and certified;

16. requiring that printed copies of the abstract index relating to land in the parts of Ontario designated under Part II of the Land Registration Reform Act, be produced at specified times and specifying the times at which they are to be produced;

17. requiring the payment of fees upon the performance of any official function under this Act and specifying the amounts of the fees or a method for determining them;

18. specifying the manner in which fees under this Act are to be paid, authorizing land registrars to require the prepayment of classes of fees by cash deposits and specifying classes of fees for that purpose;

19. specifying classes of users who may pay fees under this Act by means of credit accounts rather than on the basis of prepayment or payment at the time the service is rendered;

20. requiring land registrars to assign to persons who ask to search the records of the land registry office account numbers and other identification to enable them to do so;

21. specifying the method in which fees and other receipts of a land registry office shall be collected, kept and accounted for;

22. specifying the terms or conditions on which documents, instruments, books or public records are made available under this Act. 1998, c. 18, Sched. E, s. 256; 2000, c. 26, Sched. B, s. 17 (18, 19); 2010, c. 1, Sched. 6, s. 11.

Not regulations

(2)  An order made by the Minister under subsection (1) is not a regulation within the meaning of Part III (Regulations) of the Legislation Act, 2006. 1998, c. 18, Sched. E, s. 256; 2006, c. 21, Sched. F, s. 136 (1).

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

1998, c. 18, Sched. E, s. 256 - 18/12/1998

[2000, c. 26, Sched. B, s. 17 (18, 19)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s18) - 06/12/2000

[2006, c. 21, Sched. F, s. 136 (1)](http://www.ontario.ca/laws/statute/S06021" \l "schedfs136s1) - 25/07/2007

[2010, c. 1, Sched. 6, s. 11 (1, 2)](http://www.ontario.ca/laws/statute/S10001" \l "sched6s11s1) - 22/11/2010

[2012, c. 8, Sched. 51, s. 47 (1-6)](http://www.ontario.ca/laws/statute/S12008" \l "sched51s47s1) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Regulations

Regulations

**102** (1)  The Minister may make regulations,

1. prescribing anything that by this Act is required to be prescribed by the regulations, other than forms and provisions for their use;

2. prescribing the minimum and maximum dimensions of instruments tendered for registration;

3. respecting the quality of writing and material used in instruments tendered for registration and in copies required by this Act;

4. requiring, in connection with an instrument presented for registration, proof of compliance with any law that if not complied with might detrimentally affect the title or interest of a person claiming title or an interest under the instrument, and governing the form and manner of presentation of that proof;

5. prescribing classes of instruments for the purpose of clause 25 (3) (f);

6. designating instruments or documents or classes of them to which clause 50 (1) (c) does not apply;

7. governing surveys, plans and descriptions of land and procedures related to them for the purposes of the Boundaries Act, the Condominium Act, 1998, the Land Titles Act and this Act and specifying the powers and duties of the examiner of surveys;

8. designating certification areas for the purpose of subsection 78 (10);

9. prescribing the manner in which sketches referred to in subsection 81 (2) are to be prepared;

10. governing the correction of errors, defects and omissions in registered and deposited plans;

10.1 governing the correction of errors in certificates of title;

11. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act, other than a matter mentioned in subsection (2) or section 13, 100 or 101.1. 1998, c. 18, Sched. E, s. 257 (1); 2009, c. 33, Sched. 17, s. 12 (10, 11).

Regulations of Director of Titles

(2)  The Director of Titles may make regulations prescribing forms and providing for their use. 1998, c. 18, Sched. E, s. 257 (1); 2000, c. 26, Sched. B, s. 17 (20).

Note: Despite the re-enactment of section 102, regulations made under paragraph 3, 5, 10, 11, 12, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 or 31 of subsection 102 (1), as those paragraphs read immediately before December 18, 1998, continue until,

(a) the Director makes an order under section 100 of the Act, as re-enacted by the Statutes of Ontario, 1998, chapter 18, Schedule E, section 255, that is inconsistent with those regulations;

(a.1) the Director of Titles makes an order under section 100 of the Act, as amended by paragraph 1 of subsection 17 (17) of Schedule B to the Red Tape Reduction Act, 2000, that is inconsistent with those regulations; or

(b) the Minister makes an order under section 101.1 of the Act, as enacted by the Statutes of Ontario, 1998, chapter 18, Schedule E, section 256, that is inconsistent with those regulations. See: 1998, c. 18, Sched. E, s. 257 (2); 2000, c. 26, Sched. B, s. 17 (21).

Note: Despite the re-enactment of section 102, the Lieutenant Governor in Council may by regulation revoke regulations made under paragraph 3, 5, 10, 11, 12, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 or 31 of subsection 102 (1), as those paragraphs read immediately before December 18, 1998, if,

(a) the Director makes an order under section 100 of the Act, as re-enacted by the Statutes of Ontario, 1998, chapter 18, Schedule E, section 255, that is inconsistent with those regulations;

(a.1) the Director of Titles makes an order under section 100 of the Act, as amended by paragraph 1 of subsection 17 (17) of Schedule B to the Red Tape Reduction Act, 2000, that is inconsistent with those regulations; or

(b) the Minister makes an order under section 101.1 of the Act, as enacted by the Statutes of Ontario, 1998, chapter 18, Schedule E, section 256, that is inconsistent with those regulations. See: 1998, c. 18, Sched. E, s. 257 (3); 2000, c. 26, Sched. B, s. 17 (22).

Note: Despite the re-enactment of section 102, the Lieutenant Governor in Council may by regulation revoke regulations made under paragraph 4, 6, 7, 8, 9, 13, 15, 16, 30, 32 or 34 of subsection 102 (1), as those paragraphs read immediately before December 18, 1998, if,

(a) the Minister makes a regulation under subsection 102 (1) of the Act, as re-enacted by the Statutes of Ontario, 1998, chapter 18, Schedule E, subsection 257 (1), that is inconsistent with those regulations; or

(b) the Director makes a regulation under subsection 102 (2) of the Act, as enacted by the Statutes of Ontario, 1998, chapter 18, Schedule E, subsection 257 (1), that is inconsistent with those regulations; or

(c) the Director of Titles makes a regulation under subsection 102 (2) of the Act, as amended by paragraph 1 of subsection 17 (20) of Schedule B to the Red Tape Reduction Act, 2000, that is inconsistent with those regulations. See: 1998, c. 18, Sched. E, s. 257 (4); 2000, c. 26, Sched. B, s. 17 (23).

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

1998, c. 18, Sched. E, s. 257 (1-4) - 18/12/1998

[2000, c. 26, Sched. B, s. 17 (20-23)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s20) - 06/12/2000

[2009, c. 33, Sched. 17, s. 12 (10, 11)](http://www.ontario.ca/laws/statute/S09033" \l "sched17s12s10) - 15/12/2009

[2012, c. 8, Sched. 51, s. 48](http://www.ontario.ca/laws/statute/S12008" \l "sched51s48) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Scope of regulations and orders

**102.1**  The application of any provision of an order made by the Director of Titles under section 100, an order made by the Minister under section 101.1, or a regulation made under section 102 may be limited to one or more registry divisions or one or more part or parts of a registry division or divisions. 1998, c. 18, Sched. E, s. 257 (1); 2000, c. 26, Sched. B, s. 17 (20).

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

1998, c. 18, Sched. E, s. 257 (1) - 18/12/1998

[2000, c. 26, Sched. B, s. 17 (20)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s20) - 06/12/2000

[2012, c. 8, Sched. 51, s. 48](http://www.ontario.ca/laws/statute/S12008" \l "sched51s48) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Integration of land titles and registry records and procedures

**103** (1)  Despite any provision of this Act or of the Land Titles Act, the Minister may make regulations for standardizing the procedures in the land titles system and the registry system and for integrating the records of those systems in land registry offices where both systems are operated, and may limit the application of any provision of the regulations to one or more registry or land titles divisions. R.S.O. 1990, c. R.20, s. 103 (1); 1998, c. 18, Sched. E, s. 258 (1).

Note: The Lieutenant Governor in Council may by regulation revoke regulations made under subsection (1), as it read before December 18, 1998, if the Minister makes a regulation under subsection (1), as amended by the Statutes of Ontario, 1998, chapter 18, Schedule E, subsection 258 (1), that is inconsistent with those regulations. See: 1998, c. 18, Sched. E, s. 258 (2).

(2)  Repealed: 1998, c. 18, Sched. E, s. 258 (3).

Note: Despite the repeal of subsection (2), the Lieutenant Governor in Council may by regulation revoke regulations made under subsection (2), as it read immediately before December 18, 1998, if the Minister makes a regulation under paragraph 7 of subsection 102 (1), as re-enacted by the Statutes of Ontario 1998, chapter 18, Schedule E, subsection 257 (1), that is inconsistent with those regulations. See: 1998, c. 18, Sched. E, s. 258 (4).

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

1998, c. 18, Sched. E, s. 258 (1-4) - 18/12/1998

**104** Repealed: 1998, c. 18, Sched. E, s. 259 (1).

Note: Despite the repeal of section 104, regulations made under section 104, as it read immediately before December 18, 1998, continue until the Director makes an order under section 13, as re-enacted by the Statutes of Ontario, 1998, chapter 18, Schedule E, section 212, that is inconsistent with those regulations. See: 1998, c. 18, Sched. E, s. 259 (2).

Note: Despite the repeal of section 104, the Director may by regulation revoke regulations made under section 104, as it read immediately before December 18, 1998, if the Director makes an order under section 13, as re-enacted by the Statutes of Ontario, 1998, chapter 18, Schedule E, section 212, that is inconsistent with those regulations. See: 1998, c. 18, Sched. E, s. 259 (3).

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

1998, c. 18, Sched. E, s. 259 (1-3) - 18/12/1998

PART II  
DEPOSITS

Definition

**105** In this Part,

“document” includes,

(a) a plan of survey,

(b) any certificate, affidavit, statutory declaration or other proof as to the birth, baptism, marriage, divorce, death, burial, descendants or pedigree of any person, or as to the existence or non-existence, happening or non-happening of any fact, event or occurrence upon which the title to land may depend,

(c) a notice of sale, or other notice necessary to the exercise of any power of sale or appointment or other power relating to land,

(d) a receipt for payment of money under a registered instrument, and

(e) a notarial copy of a certificate, affidavit, statutory declaration, proof, notice or receipt described in this section that the Director specifies. 1998, c. 18, Sched. E, s. 260.

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

1998, c. 18, Sched. E, s. 260 - 18/12/1998

Deposit of document

**106** (1)  A document may be deposited and shall be recorded in the manner specified by the Director in any registry division in which any land to which it relates is situate. 2012, c. 8, Sched. 51, s. 49.

Effect of deposit

(2)  The deposit of a document under this Part shall not be deemed a registration thereof and the admissibility or value of any document as evidence shall not be affected by the deposit. R.S.O. 1990, c. R.20, s. 106 (2).

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

[2012, c. 8, Sched. 51, s. 49](http://www.ontario.ca/laws/statute/S12008" \l "sched51s49) - 13/10/2020

Requisition on deposit

**107** On every deposit, the person making the deposit shall deliver to the land registrar a requisition in the prescribed form containing a description of the land to which the deposit relates that complies with section 25. 1998, c. 18, Sched. E, s. 261.

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

1998, c. 18, Sched. E, s. 261 - 18/12/1998

[2012, c. 8, Sched. 51, s. 50](http://www.ontario.ca/laws/statute/S12008" \l "sched51s50) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Record of deposit

**108** (1)  Upon receiving a requisition under section 107 and the documents mentioned in it, the land registrar shall cause words indicating that the documents have been deposited and the date and deposit number to be endorsed on the requisition. R.S.O. 1990, c. R.20, s. 108 (1); 1993, c. 27, Sched.; 2004, c. 19, s. 19.

Certificate of deposit

(2)  Upon receiving a requisition under subsection 107 (3), the land registrar shall cause a certificate of deposit in the prescribed form to be endorsed on the requisition and every duplicate of it. R.S.O. 1990, c. R.20, s. 108 (2).

Idem

(3)  Deposits shall be numbered consecutively in order of time of receipt, in accordance with subsections 49 (1) and (5), as though they were instruments or a separate class of instruments. R.S.O. 1990, c. R.20, s. 108 (3).

Entry in abstract index

(4)  The land registrar shall enter in the abstract index against each lot, parcel or property mentioned in the requisition a reference to the deposit number and, where the requisition refers to only a part of a lot, the entry in the abstract index shall include a reference to the part of the lot. R.S.O. 1990, c. R.20, s. 108 (4); 1993, c. 27, Sched.

Custody of deposits

(5)  The provisions of Part I applying to property in or custody of instruments apply to documents deposited under this Part or under The Custody of Documents Act, being chapter 85 of the Revised Statutes of Ontario, 1960, or any predecessor thereof. R.S.O. 1990, c. R.20, s. 108 (5).

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

1993, c. 27, Sched. - 31/12/1991; 1998, c. 18, Sched. E, s. 262 (1, 2) - See [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2011

[2000, c. 26, Sched. B, s. 17 (20)](http://www.ontario.ca/laws/statute/S00026" \l "schedbs17s20) - 06/12/2000

[2004, c. 19, s. 19](http://www.ontario.ca/laws/statute/S04019" \l "s19) - 30/11/2004

[2012, c. 8, Sched. 51, s. 51 (1, 2)](http://www.ontario.ca/laws/statute/S12008" \l "sched51s51s1) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Application of other provisions

**109** (1)  Sections 15 and 17 and clause 50 (1) (b) apply to every document deposited under this Part. R.S.O. 1990, c. R.20, s. 109 (1).

Refusal to deposit or record

(2)  The land registrar may,

(a) refuse to accept for deposit a document,

(i) that is wholly or partly illegible or unsuitable for microfilming, or

(ii) that contains or has attached to it material that does not, in the land registrar’s opinion, relate to an interest in land; and

(b) refrain from recording a part of a deposited document if the part does not, in the land registrar’s opinion, relate to an interest in land. R.S.O. 1990, c. R.20, s. 109 (2); 1998, c. 18, Sched. E, s. 263.

Where ss. 107 and 108 do not apply

(3)  In respect of a reference plan referred to in section 80 or 81 or in the regulations, the procedures prescribed by the regulations apply in lieu of the requirements set out in sections 107 and 108. R.S.O. 1990, c. R.20, s. 109 (3).

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

1998, c. 18, Sched. E, s. 263 (1, 2) - 18/12/1998

[2012, c. 8, Sched. 51, s. 52](http://www.ontario.ca/laws/statute/S12008" \l "sched51s52) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Deposit relieves from liability

**110** (1)  The deposit of a document under this Part shall be deemed a sufficient compliance with, and fulfilment of, any covenant or agreement entered into by any person to produce or allow the inspection of, or the making of, any copy of or extract from the document, and absolves any person liable for the production or custody thereof from any further liability in respect of such custody or production. R.S.O. 1990, c. R.20, s. 110 (1).

Expenses of executors, etc.

(2)  An executor, administrator, estate trustee or trustee may reimburse himself, herself or itself out of the estate for any expense that is incurred in or about depositing any document that came into his, her or its possession or control as such executor, administrator or trustee. R.S.O. 1990, c. R.20, s. 110 (2); 1998, c. 18, Sched. E, s. 264.

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

1998, c. 18, Sched. E, s. 264 - 18/12/1998

PART III  
INVESTIGATION OF TITLES

Definitions and interpretation

**111** (1)  In this Part,

“claim” means a right, title, interest, claim, or demand of any kind or nature whatsoever affecting land set forth in, based upon or arising out of a registered instrument, and, without limiting the generality of the foregoing, includes a mortgage, lien, easement, agreement, contract, option, charge, annuity, lease, dower right, and restriction as to the use of land or other encumbrance affecting land; (“réclamation”)

“notice of claim” means a notice of claim that is registered under subsection 113 (2) and that is in the prescribed form and includes a notice registered under a predecessor of this Part or under The Investigation of Titles Act, being chapter 193 of the Revised Statutes of Ontario, 1960, or a predecessor of it; (“avis de réclamation”)

“notice period” means the period ending on the day 40 years after the later of,

(a) the day of the registration of an instrument that first creates a claim, or

(b) the day of the registration of a notice of claim for a claim; (“délai d’avis”)

“owner” means a person, other than a lessee or a mortgagee, entitled to a freehold or other estate or interest in land at law or in equity, in possession, in futurity or in expectancy; (“propriétaire”)

“title search period” means the period of forty years described in subsection 112 (1); (“délai de recherche”)

“year” means a period of 365 consecutive days or, if the period includes February 29, 366 consecutive days. (“année”) R.S.O. 1990, c. R.20, s. 111 (1); 2006, c. 34, s. 22 (2, 3).

Claims under unregistered instruments

(2)  A claim referred to in clause 113 (5) (a) or (b) is not confined to a claim under a registered instrument. R.S.O. 1990, c. R.20, s. 111 (2).

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

[2006, c. 34, s. 22 (2, 3)](http://www.ontario.ca/laws/statute/S06034" \l "s22s2) - 20/12/2006

Title search period

**112** (1)  A person dealing with land shall not be required to show that the person is lawfully entitled to the land as owner thereof through a good and sufficient chain of title during a period greater than the forty years immediately preceding the day of such dealing, except in respect of a claim referred to in subsection 113 (5). R.S.O. 1990, c. R.20, s. 112 (1).

Deemed commencement of chain of title

(2)  Where there has been no conveyance, other than a mortgage, of the freehold estate registered within the title search period, the chain of title commences with the conveyance of the freehold estate, other than a mortgage, most recently registered before the commencement of the title search period. R.S.O. 1990, c. R.20, s. 112 (2).

Instruments registered prior to title search period not effective

(3)  A chain of title does not depend upon and is not affected by any instrument registered before the commencement of the title search period except,

(a) an instrument that, under subsection (2), commences the chain of title;

(b) an instrument in respect of a claim for which a valid and subsisting notice of claim was registered during the title search period; and

(c) an instrument in relation to any claim referred to in subsection 113 (5). R.S.O. 1990, c. R.20, s. 112 (3).

Expiry of claims

**113** (1)  A claim that is still in existence on the last day of the notice period expires at the end of that day unless a notice of claim has been registered. R.S.O. 1990, c. R.20, s. 113 (1).

Notice of claim

(2)  A person having a claim or a person acting on that person’s behalf, may register a notice of claim with respect to the land affected by the claim,

(a) at any time within the notice period for the claim; or

(b) at any time after the expiration of the notice period but before the registration of any conflicting claim of a purchaser in good faith for valuable consideration of the land. 2006, c. 34, s. 22 (4).

Renewal

(3)  A notice of claim may be renewed from time to time by the registration of a notice of claim in accordance with subsection (2). R.S.O. 1990, c. R.20, s. 113 (3).

Effect of notice of claim

(4)  Subject to subsection (7), when a notice of claim has been registered, the claim affects the land for the notice period of the notice of claim. R.S.O. 1990, c. R.20, s. 113 (4).

Exceptions

(5)  This Part does not apply to,

(a) a claim,

(i) of the Crown reserved by letters patent,

(ii) of the Crown in unpatented land or in land for which letters patent have been issued, but which has reverted to the Crown by forfeiture or cancellation of letters patent, or in land that has otherwise reverted to the Crown,

(iii) of the Crown or a municipality in a public highway or lane,

(iv) of a person to an unregistered right of way, easement or other right that the person is openly enjoying and using;

(b) a claim arising under any Act; or

(c) a claim of a corporation authorized to construct or operate a railway, including a street railway or incline railway, in respect of lands acquired by the corporation after the 1st day of July, 1930, and,

(i) owned or used for the purposes of a right of way for railway lines, or

(ii) abutting such right of way. R.S.O. 1990, c. R.20, s. 113 (5); 2006, c. 34, s. 22 (5).

Freehold estates

(6)  Subsection (1) does not apply to a claim to a freehold estate in land or an equity of redemption in land by a person continuously shown by the abstract index for the land as being so entitled for more than forty years as long as the person is so shown. R.S.O. 1990, c. R.20, s. 113 (6).

Claims not validated

(7)  The registration of a notice of claim does not validate or extend a claim that is invalid or that has expired other than as a result of subsection (1). R.S.O. 1990, c. R.20, s. 113 (7).

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

[2006, c. 34, s. 22 (4, 5)](http://www.ontario.ca/laws/statute/S06034" \l "s22s4) - 20/12/2006

Public utility easements

**114** (1)  In this section,

“Ministry of Government Services” means Her Majesty the Queen in right of Ontario as represented by the Minister of Government Services; (“ministère des Services gouvernementaux”)

“municipality” includes a local board within the meaning of the Municipal Affairs Act; (“municipalité”)

“public utility easement” means an easement in respect of a water works or water supply system, sewage works, steam or hot water distribution system, electrical power or energy generating, transmission or distribution system, street lighting system, natural or artificial gas works or supply system, or a transportation system. (“servitude d’un service public”) R.S.O. 1990, c. R.20, s. 114 (1); 2002, c. 17, Sched. F, Table.

Continuation of public utility easements

(2)  Despite sections 112 and 113, a public utility easement of a municipality or an easement of the Ministry of Government Services that existed on the 31st day of July, 1981 continues until the 31st day of December, 1999. R.S.O. 1990, c. R.20, s. 114 (2).

OBCA corporation

(2.1)  For the purposes of subsection (2), a public utility easement of a municipality includes a public utility easement transferred by a municipality under a transfer by-law to a corporation established under the Business Corporations Act pursuant to section 142 of the Electricity Act, 1998. 1998, c. 15, Sched. E, s. 43.

Eligibility for compensation

(3)  If, except for subsection (2), an easement would not affect land, a person who has an interest in the land acquired on or after the 1st day of August, 1981 and before the 21st day of June, 1990 is entitled to compensation for the easement. R.S.O. 1990, c. R.20, s. 114 (3).

Idem

(4)  Subsection (3) does not apply to a person if the easement is specifically referred to in,

(a) the instrument by which the person acquired the interest; or

(b) a registered instrument executed by the person before the 21st day of June, 1990. R.S.O. 1990, c. R.20, s. 114 (4).

Time of calculation

(5)  Compensation shall be calculated as though the easement had been expropriated on the earlier of,

(a) the day the person who has an interest in the land gives the municipality or the Ministry of Government Services notice that the person claims compensation under this section; or

(b) the day the municipality or the Ministry of Government Services gives the person who has an interest in the land notice of its easement. R.S.O. 1990, c. R.20, s. 114 (5).

Calculation of compensation

(6)  The Expropriations Act applies with necessary modifications to claims for compensation. R.S.O. 1990, c. R.20, s. 114 (6).

Abandonment of easement

(7)  A municipality or the Ministry of Government Services is relieved from paying compensation for an easement if it,

(a) removes anything placed under the authority of the easement;

(b) restores the land to the condition it was in immediately before any removal; and

(c) abandons the easement. R.S.O. 1990, c. R.20, s. 114 (7).

Notices of claim

(8)  A notice of claim in respect of a public utility easement of a municipality or an easement of the Ministry of Government Services registered before the 31st day of December, 1999 is as effective as if it had been registered on the 31st day of July, 1981. R.S.O. 1990, c. R.20, s. 114 (8).

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

1998, c. 15, Sched. E, s. 43 - 01/04/1999

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs1s1) - 01/01/2003

Conflict

**115** (1)  Where there is a conflict between any provision of this Part and any provision of Part I or Part II of this Act or of any provision of any other Act or any rule of law, the provision of this Part prevails. R.S.O. 1990, c. R.20, s. 115 (1).

Application

(2)  This Part applies to every claim and notice of claim, whether registered before or after the 1st day of August, 1981. R.S.O. 1990, c. R.20, s. 115 (2).

PART IV  
COMPENSATION

Entitlement to compensation

**116** (1)  A person wrongfully deprived of land registered under this Act by reason of,

(a) the deletion of an entry under section 56 or 67; or

(b) any error or omission in recording a registered instrument,

is entitled to compensation out of The Land Titles Assurance Fund formed under section 54 of the Land Titles Act. R.S.O. 1990, c. R.20, s. 116 (1).

Qualifications

(2)  A person is not entitled to any compensation out of The Land Titles Assurance Fund in respect of land registered under this Act unless,

(a) the person has been wrongfully deprived of land for a reason set out in subsection (1);

(b) the person is unable to recover what is just by way of compensation or damages from any person whose act caused the loss or who was privy to any such act; and

(c) the claim for compensation is made within six years from the time the person discovered or ought reasonably to have discovered the deletion, error or omission. R.S.O. 1990, c. R.20, s. 116 (2).

Persons under disabilities

(3)  Despite clause (2) (c), a minor or a person who is incapable as defined in the Substitute Decisions Act, 1992, whether or not the person has a guardian, may make a claim for compensation under this Part at any time within six years from the day on which the minority or incapacity ceased but not more than twenty years after the deletion, error or omission occurred. R.S.O. 1990, c. R.20, s. 116 (3); 2009, c. 33, Sched. 2, s. 64 (2).

Reliance on automated index

(4)  A person who suffers damage because of an error in recording an instrument affecting land designated under Part II of the Land Registration Reform Act in the abstract index is entitled to compensation from The Land Titles Assurance Fund, and clauses (2) (a) and (b) do not apply to the person’s right to compensation. R.S.O. 1990, c. R.20, s. 116 (4).

Application of *Land Titles Act*

(5)  Section 26, subsections 57 (6) to (13), (17) and (18), section 58 and subsection 162 (3) of the Land Titles Act apply with necessary modifications to claims for compensation under this Part. R.S.O. 1990, c. R.20, s. 116 (5); 2009, c. 33, Sched. 17, s. 12 (12).

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

[2009, c. 33, Sched. 2, s. 64 (2)](http://www.ontario.ca/laws/statute/S09033" \l "sched2s64s2) - 15/12/2009; [2009, c. 33, Sched. 17, s. 12 (12)](http://www.ontario.ca/laws/statute/S09033" \l "sched17s12s12) - 15/12/2009

Certificates of title

**116.1**(1)  If, as a result of the registration of a certificate of title under the Certification of Titles Act, as that Act read immediately before subsection 2 (1) of Schedule 17 to the Good Government Act, 2009 came into force, a person is wrongfully deprived of an interest in land, the person is entitled to recover what is just by way of compensation out of The Land Titles Assurance Fund, so far as it is sufficient for that purpose having reference to other charges on the land, if the application is made,

(a) within six years from the time of having been so deprived; or

(b) in the case of a person who is a minor or otherwise incapable of making an application as a result of his or her incapacity to manage property as defined in the Substitute Decisions Act, 1992, whether or not a guardian has been appointed, within six years from the date at which the incapacity ceased. 2009, c. 33, Sched. 17, s. 12 (13).

Exception

(2)  A person is not entitled to compensation from The Land Titles Assurance Fund in respect of an interest in land existing before the effective date of the certificate of title unless that interest is registered under this Act against the title to the land or notice of it was given to the Director of Titles before the certificate was registered. 2009, c. 33, Sched. 17, s. 12 (13).

Applications for compensation

(3)  Section 26, subsections 57 (6) to (13), (17) and (18), section 58 and subsection 162 (3) of the Land Titles Act apply with necessary modifications to claims for compensation under this section. 2009, c. 33, Sched. 17, s. 12 (13).

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

[2009, c. 33, Sched. 17, s. 12 (13)](http://www.ontario.ca/laws/statute/S09033" \l "sched17s12s13) - 15/12/2009

[2012, c. 8, Sched. 51, s. 53](http://www.ontario.ca/laws/statute/S12008" \l "sched51s53) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Errors in certificates of title

**116.2**(1)  Upon becoming aware of a possible error in a certificate of title, the Director of Titles may give notice of the possible error by registering a notice in the form approved by the Director of Titles. 2009, c. 33, Sched. 17, s. 12 (13).

Contents of notice

(2)  The notice shall give notice of the possible error to all persons until the Director of Titles deletes it from the abstract index. 2009, c. 33, Sched. 17, s. 12 (13).

Amendment of certificates

(3)  Subject to the regulations, the Director of Titles, of his or her own initiative or on the application of any interested person, may, before receiving any conflicting instruments or after notifying all persons interested, correct errors and omissions in any certificate of title by issuing an amendment to the certificate of title if the Director of Titles receives the evidence that he or she considers sufficient. 2009, c. 33, Sched. 17, s. 12 (13).

Extent of amendment

(4)  In correcting a certificate of title, the Director of Titles shall correct it in the manner that the Director of Titles considers will do the least possible injury to any person affected by the correction. 2009, c. 33, Sched. 17, s. 12 (13).

Copies of decision

(5)  If the Director of Titles decides to make a correction under subsection (3) on the application of an interested person or after notifying the interested persons, the Director of Titles shall mail or deliver a copy of the decision to the applicant and the persons who received the notice. 2009, c. 33, Sched. 17, s. 12 (13).

Registration of amendment

(6)  The Director of Titles shall register an amendment to a certificate of title in the land registry office for the registry division in which the land affected by the certificate is situated. 2009, c. 33, Sched. 17, s. 12 (13).

Effect of registration

(7)  Upon registration under subsection (6), an amendment to a certificate of title takes effect in accordance with the terms set out in the amendment and is conclusive that every notice, publication, proceeding and act that ought to have been made, given or done has been made, given or done in accordance with this Act. 2009, c. 33, Sched. 17, s. 12 (13).

Claim against fund

(8)  A person injuriously affected by an amendment to a certificate of title is entitled to recover what is just by way of compensation out of The Land Titles Assurance Fund as if the person were one wrongfully deprived of an interest in land as a result of the registration of a certificate of title under the Certification of Titles Act, as that Act read immediately before subsection 2 (1) of Schedule 17 to the Good Government Act, 2009 came into force. 2009, c. 33, Sched. 17, s. 12 (13).

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

[2009, c. 33, Sched. 17, s. 12 (13)](http://www.ontario.ca/laws/statute/S09033" \l "sched17s12s13) - 15/12/2009

[2012, c. 8, Sched. 51, s. 53](http://www.ontario.ca/laws/statute/S12008" \l "sched51s53) - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2022

Interests of innocent persons

**117** If, while a deletion or omission of any entry relating to any mortgage or other instrument securing the payment of money is subsisting, an innocent person has acquired an estate, right or interest in the land mentioned in the mortgage or other instrument, and the estate, right or interest of the innocent person is set forth in, is based upon or arises out of an instrument registered before the deletion or omission is corrected,

(a) the estate, right or interest of the innocent person in the land is not affected by any claim under the mortgage or other instrument; and

(b) the person whose interest under the mortgage or other instrument is extinguished under clause (a) is entitled to compensation under this Part. R.S.O. 1990, c. R.20, s. 117.

Protection from personal liability

**118** (1)  No action or other proceeding for damages shall be instituted against any officer or employee of the Ministry of the Minister or anyone acting under the Minister’s authority for any act done in good faith in the execution or intended execution of his or her duty under this Act, or for any alleged neglect or default in the execution in good faith of his or her duty under this Act. R.S.O. 1990, c. R.20, s. 118 (1); 2001, c. 9, Sched. D, s. 13; 2012, c. 8, Sched. 51, s. 54.

Crown liability

(2)  Subsection (1) does not, by reason of subsection 8 (3) of the Crown Liability and Proceedings Act, 2019, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection (1) had not been enacted. R.S.O. 1990, c. R.20, s. 118 (2); 2019, c. 7, Sched. 17, s. 151.

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

[2001, c. 9, Sched. D, s. 13](http://www.ontario.ca/laws/statute/S01009" \l "schedds13) - 29/06/2001

[2012, c. 8, Sched. 51, s. 54](http://www.ontario.ca/laws/statute/S12008" \l "sched51s54) - 13/10/2020

[2019, c. 7, Sched. 17, s. 151](http://www.ontario.ca/laws/statute/S19007" \l "sched17s151) - 01/07/2019

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