

## **Title 132**

### **REAL PROPERTY**

**HIGHLIGHTS** This supplement incorporates the following significant developments which have occurred since the main title was issued.

#### **Cases:**

##### **Ontario**

*Keatley Surveying Ltd. v. Teranet Inc.* (2019), 2019 SCC 43 (S.C.C.): The provincial land registration regime gives the Crown complete control over the process of publication. The Crown has proprietary rights in the plan, and custody and control over the physical plans. Because of the extent of direction and control, copyright is vested in the Crown when registered or deposited plans of survey are published.

*Rumanek & Co. Ltd. v. Abuomar* (2019), 2019 ONSC 1589 (Ont. S.C.J.); appeal quashed (2019) 2019 ONCA 908 (Ont. C.A.): An equitable receiver in aid of execution may pursue an application under the *Partition Act* if authorized to do so by the court.

*Thompson v. Elliott Estate* (2020), 2020 ONSC 1004 (Ont. S.C.J.): "Zombie" deeds/transfers (transfer of an interest in land registered after the date of death of the grantor as if the grantor were still alive) are clearly not in compliance with current Government of Ontario registration regulations and requirements imposed on lawyers using the electronic registration system for the transfer of an interest in land in Ontario.

#### **The following legislation is pending:**

##### **Ontario**

*Smarter and Stronger Justice Act, 2020*, S.O. 2020, c. 11, Sched. 15, s. 58: amends *Registry Act*.

*Strong Action for Ontario Act (Budget Measures), 2012*, S.O. 2012, c. 8, Schedules 28, 51: amends *Land Titles Act* and *Registry Act*.