

# POLARIS COMPUTERIZED LAND SYSTEM GETS COLD RESPONSE FROM TITLE SEARCHERS

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## "SOMETIME LAST WEEK"

(a short play)

### ACT ONE - SCENE ONE

The registration counter, Land Titles  
Office, Toronto, Ont.

### DRAMATIS PERSONAE

Counter clerk  
Lawyer

**LAWYER:**

May I see the computer screen?

**CLERK:**

(*Admonishingly*) Tsk! Tsk! We  
can't let you do that, now, can we?

**LAWYER:**

I just want to see if a construction  
lien has been removed.

**CLERK:**

I can't turn the screen around to  
face you. We'll lose the informa-  
tion.

**LAWYER:**

What should I do?

**CLERK:**

Go through the search process.

**LAWYER:**

I can't. There's no time. If I have  
to wait, I won't get registered and  
the vendor will have to pay  
another day's interest on the  
mortgage we're assuming.

**CLERK:**

Sorry.

**LAWYER:**

(*Silently to himself*) Things are  
changing around here a bit too  
drastically for me.

**THE END**

Scenes like this are almost daily oc-  
currences in Ontario's largest and  
busiest land registration facility, as the  
legal profession tries to grapple with  
POLARIS (Province of Ontario Land  
Registration and Information System),  
a computerized land registration sys-  
tem.

This particular lawyer was trying to  
subsearch a parcel of land prior to  
registration. The land is located in  
North York, which is now completely on  
POLARIS. He was shocked to find that  
he couldn't subsearch at the counter  
the way he used to and he was angry.

The seed was planted for an  
automated registration system in On-  
tario in 1971 with a recommendation  
by the Province's Law Reform Commis-  
sion. Implementation began in 1981,  
with standardization of registry office  
and land titles documents and  
sketchier information in the abstract  
books.

Because Ontario has the largest  
population in Canada, and  
Metropolitan Toronto is the most den-  
sely populated area in the country,  
Metro is the most difficult to convert  
from the 200-year-old paper system to  
automation.

And like a pitcher pitching his first  
game in the majors, it has to be perfect  
from day one and get better. Otherwise,  
users complain and mistakes can be  
costly.

For example, a client who buys a  
\$300,000 home believing he's getting  
clear title won't make allowances for  
his lawyer missing an encumbrance on  
title because it didn't show up on the  
computer printout; nor will he be sym-  
pathetic if a \$50,000 judgment was  
missed because the vendor's name was  
misspelled on the printout.

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# POLARIS COMPUTERIZED LAND SYSTEM GETS COLD RESPONSE FROM TITLE SEARCHERS cont'd

One title searcher recently reported receiving a printout which showed the transfer (deed) as the charge (mortgage) and the charge as the transfer.

"It's a good thing I was just doing a subsearch and already knew the particulars of the property," she says. "Anyway, I'd never rely on the printout. I always ask to see the abstract index." Most searchers and lawyers concur and are annoyed because searching in both POLARIS and the book doubles the disbursements and the time involved. The increased costs are passed on to the client, who then accuses the legal profession of charging too much.

"As things stand now," comments one young lawyer, "no one benefits very much from POLARIS." When asked what he thought of the system's ultimate goal to be able to access the records from his office on his own computer terminal - he replies with almost a sneer, "Sure I would, if they could just get it to work".

In August 1988 the title searchers who work in Toronto formed the Atrium Liaison Committee, which aims to maintain a continuous dialogue with the Ministry of Consumer and Commercial Relations as it brings all of Metro on-line.

A subcommittee of that Committee presented a brief to Ron Logan, then Director of Land Registration, and to Robert Blomsma, Director of Titles, which addressed, among other things, errors and lack of sufficient information within the system.

The brief stated that the printouts, even when accurate, did not contain sufficient information to show a detailed chain of title. In most instances, both parties to a document weren't shown. The brief argued that the names were often omitted because the Government was trying to save input time. Subcommittee member and title searcher Ian Argue complained that he could no longer subsearch quickly on POLARIS.

"Suppose a lawyer asks me to find out if a lease has been registered on a

parcel of land within the past couple of weeks. If the property is on POLARIS, I can no longer get the book, run my eye down the page and find out, because unless something's a transfer or a charge, it's simply called 'notice'. The property may have four recently registered 'notices' on it," Argue says.

"I have to submit requisitions for the four documents (and) wait perhaps a half-hour to see whether or not that lease is among them. This adds to my work and that of the registry office staff," he explains.

"The users asked for simplification of the records," counters Logan.

"We actively seek user input," he says. "However, requests from some members of that committee were discouraged by others. Automation does not customize the system on an individual basis."

As far as the error factor is concerned, Logan says, "the conversion exercise is a human one. If you interviewed a cross-section of title searchers and lawyers in Ontario, they could cite a number of occasions when they found something erroneously hand-written in a book. People expect that because information came off a computer, it's going to be precise. It's no more or less accurate than the books."

Argue says the errors are far more numerous with the computer than with the books.

A POLARIS insider who asked that her name not be used told *Law Times* that POLARIS comprises three levels of operation: data collection (done by experienced title searchers), data entry (done by some inexperienced staff who came from the Registrar General's office when it moved to Thunder Bay) and maintenance.

She says that data entry has been the weakest link, because the only knowledge the clerks had of the land registration process was a three-week course which served only to confuse them.

"As a result," she says, "the first couple of phases of the automation are flawed, but now the problems are

diminishing." A land titles officer agrees, adding that these phases have been reviewed thoroughly and many mistakes were corrected. But he says that many remain.

Argue's concern is that these mistakes and the sketchiness of the information are now permanently in the system.

But Logan disagrees. He says that "title searchers and lawyers have to speak up when they find an error and it'll be corrected." He emphasizes that the Ministry is most anxious for an ongoing dialogue.

One former Committee member, however, says that "it took the Government four months to reply to our first written submission. They don't want to listen. That's why none of us on the user subcommittee ran for re-election. We couldn't take the frustration anymore."

Many users and system developers concede that turmoil is inevitable whenever change takes place and this change is dramatic.

Land registration is only one function of POLARIS. The other, according to government officials, is mapping of all land holdings in the Province for the purposes of surveying, assessment and even policing.

"It will be comprehensive and very dynamic," Logan says. "Lawyers will not only have title information at their fingertips, but surveying and tax information, also to say nothing of types of data that could be added."

He points out that the day is coming when lawyers will be able to access all sorts of records with their desktop computers, including a complete 40-year search.

A six-month pilot project, which ended last June, enabled the firm of Graham Linton Toth & Campbell of Tillsonburg, Ont. to access the Woodstock, Ont. registry office on its computers. Partner Scott Campbell says he enjoyed using the system. "It was so handy to be able to access the records without having to drive to Woodstock. I can see it as a great ad-



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vantage for lawyers who don't practise in the county seat."

However, he says, "it would be better if all land in the Province were in the land titles system. Doing a 40-year search by remote access will be expensive and bulky. You have to order fax copies of all documents instead of getting abbreviated abstract summaries. "The best application for it that I can see," Campbell says, "is to preview a title, just to get a handle on what's there for immediate use. I would still want to go to the registry office for a full search."

Woodstock has been completely on line since April 1, 1987. In Chatham, 2,700 parcels just came on-line, London is undergoing land titles conversion, North York is automated and Scar-

borough is in the process of automation.

Carol Kirsh, Director of the Real Property Registration Branch, looks to the day when title documents and visual representation of land descriptions, known as parcel imaging, will be accessible in the law office.

And the Government is reaching out to the private sector for its participation in the whole process. It's called the strategic alliance and it's being quarter-backed by Logan, now Executive Director of that section.

He calls it a joint venture with the private sector. Logan says the Province has received bids from two consortia, each comprising surveying, mapping, management consulting and data processing firms.

He hopes there will be a vigorous exchange of energy and expertise between the Government and the winning consortium that will expedite the development of the automated land registration system. The winning consortium will be announced sometime in June.

Meanwhile, back in the trenches, the reality is that today, tomorrow and next week, lawyers and title searchers need accurate and complete title information to transact daily business, and they need it quickly—at least as quickly as they used to get it before POLARIS.

One lawyer was heard to joke, "I'm putting these erroneous printouts in my safe. One day I'll sue and I'll have my retirement fund." He was just kidding, of course.



**GIVE...**  
to give  
**HOPE**