

Land Registration Updateⁱ

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A. INTRODUCTION

The Ontario land registration system has been acknowledged internationally as a leader in providing e-solutions and innovation. To ensure that the system remains at the forefront, there is a continued commitment to modernization and expanded online service delivery, including online services. This article provides an update on the status of several initiatives that support those objectives.

B. AUTOMATION AND ELECTRONIC REGISTRATION

The automation of the land registration records and conversion of the registry records to land titles project was completed on March 31st, 2011 and all of the 5.8 million parcels in the land registration system are now automated and, with the exception of approximately 36,000 registry properties, are all recorded in the land titles system.

As of November, 2010, electronic registration has been mandatory in all 54 land registry offices. Since the introduction of electronic registration in the Middlesex Land Registry Office in January 1999, over 16.8 million documents have been registered electronically.

C. REGISTRY NON-CONVERT PROPERTIES

We have been successful in converting virtually all recorded land in the province to land titles, however approximately 36,000 properties remain in registry. The following are the main reasons why the properties could not be converted to land titles:

- *Planning Act* issues
- Description issues
- Easement and water issues
- Conflicts of ownership and inability to establish owners
- Breaks in the chain of title

During the course of the automation and conversion project, there have been two passes through the registry records and, after a qualitative assessment of the records, every effort has been made to convert these properties to land titles. Accordingly, if a property remains in the registry system, an issue was identified that would not allow the conversion to take place. The relevant land registry office has the information gathered by the automation team that outlines the rationale for the non-convert and this information is available to clients. Although we attempted to capture all of the reasons for a particular non-convert, we cannot guarantee that all issues are covered in the non-convert report. A full title search is required to determine that all of

the issues are identified and dealt with in order to complete the appropriate application to bring the land into land titles.

The process of converting a registry PIN to LTCQ is set out in Bulletin 2004-02. This process will work for many of these properties; however there are some title defects that will require further steps such as an Application for First Registration or a Court Order.

D. NEXT GENERATION TERAVIEW

Teranet Inc. and the Ministry of Government Services (MGS) are currently working to re-platform the Teraview software. The proposed new version of Teraview, known as Next Generation Teraview (NGTV), is a major undertaking that is expected to take a number of years to complete. The project will enhance the functionality, stability and efficiency of the electronic land registration system. High level requirements have been confirmed between the two organizations and work is ongoing.

To assist in finalizing the requirements, a stakeholder consultation group has been established that consists of representatives of the legal and surveying professions, financial institutions and title insurers, among others. In addition, an online survey was conducted and a series of focus group discussions involving individual users have taken place. The feedback is being taken into consideration as the vision and design are developed.

Some of the items that have been introduced or are underway as part of the ongoing modernization include:

- Extended Search & Document Creation Hours – Effective April 1st, 2012 the hours have been extended to:
 - Monday to Thursday – 4 a.m. to midnight
 - Friday – 4 a.m. to 9 p.m.
 - Saturday – 9 a.m. to 6 p.m.
 - Sunday – 9 a.m. to 9 p.m.
- Online Access to Property Index Maps – Property Index Maps will be available for viewing and printing remotely and at the local land registry office. This will replace the current Teramap with expected availability in the next year.
- Digital imaging of documents with sketches attached, which are currently available in paper, is scheduled to be completed in the next year. Planning is also underway to image many of the remaining historical documents.
- Automated Highways and TransCanada PipeLine Registers.

E. ORGANIZATION

There are 54 land registry offices in 53 locations across the province. Some of these offices have been integrated

with ServiceOntario counters that provide other services such as health cards and driver's licences, while other land registry offices remain as stand alone offices.

To make efficient use of staff resources, work is distributed, often electronically, across the province to ensure consistency and timely service. Five land registry offices have been designated to process complex work such as condominiums, subdivisions and applications for absolute title that are forwarded from a selection of other offices.

There has also been a separation of staff performing management functions from those providing registration support. There are now 3 senior operations specialists and 15 operations specialists located throughout the province who deal solely with registration matters and who have no managerial responsibilities. All of the specialists are former land registrars or deputy land registrars. They bring many years of experience and knowledge to assist both staff and clients. The initial point of contact remains the staff of the local land registry office.

In the Policy and Regulatory Services Branch, the Director of Titles continues to oversee the integrity of the land registration system and the development of policies and procedures to support the legislative mandates. The Examiner of Surveys oversees plans and descriptions in the system as well as supporting the Director in his or her duties under the *Land Titles Act*, *Registry Act*, *Land Registration Reform Act*, *Boundaries Act* and the *Condominium Act, 1998*.

F. RECENT LEGISLATIVE PROPOSALS

Commencing in 1984 with the passage of the *Land Registration Reform Act*, the land registration system has undergone significant modernization. The automation of the records, the conversion of the registry records to land titles and electronic registration are all notable achievements that support the goal of providing effective and efficient electronic service delivery to the users of the land registration system throughout the province.

Bill 55, the 2012 Budget bill, contains proposed legislation and proposed amendments to existing legislation that, if passed, would give the government the flexibility to pursue new options for service delivery, building upon the customer service commitment and strong partnerships that have made ServiceOntario a leader in government service

delivery. The proposed legislation also supports the ongoing commitment to modernize through innovation such as expanded online options for service.

The proposed changes to the *Registry Act*, *Land Titles Act*, *Land Registration Reform Act*, *Boundaries Act* and the *Condominium Act, 1998* provide the framework for and enable further improvements and modernization. The proposed amendments include:

- Transferring the powers of the Director of Land Registration to the Director of Titles and removing references to the Director of Land Registration and land registrars. The proposed changes would simplify the existing legislative authorities which will rest with the Minister, the Director of Titles and the Examiner of Surveys.
- Providing the Director of Titles with broader authority to delegate powers and duties.
- Repealing the requirement that there be at least one land registry office for each upper tier municipality and territorial district.
- Deleting prescriptive requirements relating to registrations and records retention and authorizing the Director of Titles to specify those requirements. Many of these provisions were established when all the records were maintained in paper format and needed to be modernized to reflect electronic registrations and automated records.
- Limiting the instruments that could be registered under the *Registry Act* and providing for the eventual registration of all land in Ontario under the *Land Titles Act*.

G. CONCLUSION

The Ministry will continue to work with users of the land registration system on the enhancement of the land registration system as we look forward to further modernization and expanded online service delivery. Please continue to check the ServiceOntario website (www.serviceontario.ca/landregistration) for new communications and Bulletins regarding the land registration system.



¹ This paper draws substantially from several papers and presentations by Kate Murray, Director of Titles, Director of Policy and Regulatory Service Branch.