Ontario land registry

The land registry system is one of two systems that exist in Ontario for the registration and disposition of property. The registry system is commonly found in more rural areas, where land surveys and planning are less intensive and, thus, do not require the mirror principle embodied in the land titles system.

The comparative lack of rigour with respect to registration of deeds in the registry system means that unusual transfers and unregistered interests are much more likely to exist. Counsel should take care when examining title in the registry system to obtain all relevant information. Clients will often have additional information that proves useful regarding the property's history.

Land registered in the registry system can be transferred into the land titles system. This process is difficult and will be covered in another sub-section.

For those new to the registry system, consult the *Registry Act* before preparing registry documents. The Act contains many essential stipulations that will be enforced by the land registrars.

Manner of registration

The registry system is, in keeping with its antiquity and stubborn refusal to modernize, still entirely based on paper transactions. This fact does not keep the system from being placed online: Teraview's electronic transfer system accepts “paper registrations”. The electronic registration system has an electronic form to which a paper document can be uploaded in PDF format. The upload is considered a schedule to the registration.

Paper registration procedures guide

Particulars of registration

All registry paper documents (i.e. schedules) must bear a wet signature, where a signature is required.

A document that needs to be deposited with the registrar must be deposited by means of Form 4: Document general. When depositing a document, box no. 4 must state that the document is a “DEPOSIT”. No other characters may be printed in box no. 4 other than those capital letters that make up the word “DEPOSIT”.

Forms for registration

The registry system uses particular paper forms that need to be completed for registration. These forms are quite difficult to find, so they are reproduced here.

- Form 1: Transfer / deed of land
- Form 2: Charge / mortgage of land
- Form 3: Discharge of charge / mortgage

- Form 4: Document general
- Form 5: Schedule
- Land transfer tax affidavit

Obtaining refunds from the registry system

Fees paid to the registry system are levied in the same way as those paid to the land titles system. Teraview draws the fees directly from the firm's account.

When an instrument is cancelled by the registry system, fees are not automatically returned. They are instead held by the Crown pending receipt of a formal request for a refund. The form to request a refund is the

Electronic Land Registration and Paper Submission Recommendation for Refund Request

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