Chain of title

A chain of title is the chronological sequence of ownership, transfers, and legal interests affecting a property over time. It establishes the historical record of who owned the property, how ownership changed, and any encumbrances (e.g., mortgages, easements) or legal restrictions (e.g., by-laws, Planning Act controls) affecting the land. In Ontario, a thorough chain of title is critical for real estate transactions to confirm clear ownership and compliance with legal requirements, particularly under the *Registry Act*, *Land Titles Act* and the *Planning Act*.

Critical warning

Before conducting any kind of inquiry into title, you **must** be sure to know the name and identification number of the land registry office (“LRO”) in which the property is located.

Worksheet

- Chain of title worksheet

Key Elements

1. History of ownership

- Traced back 40 years (or longer) to establish a “clear chain” to the current owner.
- Includes grants, transfers, leases (over 21 years), and other legal documents affecting ownership.

2. Legal descriptions

- Verifies that property boundaries and descriptions in deeds, plans, and abstracts align.
- Identifies discrepancies (e.g., “part of a lot,” “part inal,” or subdivided parcels).

3. Encumbrances and restrictions

- Documents mortgages, liens, easements, restrictive covenants, and Planning Act controls.
- Reviews by-laws, subdivision plans, and validation certificates.

4. Compliance with the *Planning Act*

- Ensures no illegal subdivision or part lot transfers occurred during the Planning Act period (June 15, 1967, or June 27, 1970, onward).
- Confirms exemptions (e.g., whole lots on registered plans of subdivision).

Procedure

1. Current owner

- Use the abstract of title or POLARIS parcel register to identify the current registered owner and legal description.

2. Trace back by name and description

- **By Name**: Follow prior owners in the abstract book or registry index (e.g., “John Smith conveys to Jane Doe”).
- **By Description**: Reconcile property descriptions in deeds, plans, and by-laws (e.g., “Lot 1, Plan 649”).
- **Other documents** may affect title but not include a matching name or description for the subject property. Be sure to gather all title documents.

3. Verify legal access and boundaries

- Confirm access to public roads and review road pages in the abstract index for closures or widenings.
- Use subdivision plans, reference plans, and Teraview maps to map abutting parcels.

4. Address complex scenarios

- **Intestate Estates**: Identify if ownership passed to heirs without a will.
- **Name Changes**: Account for marriages, divorces, or corporate reorganizations.
- **Historical Gaps**: Investigate missing links (e.g., deeds dated centuries earlier but recently registered).
- **Subdivision and assembly**: property owners may subdivide lots into smaller units and sell these units to individuals. Individuals may similarly assemble a group of lots from their individual owners. In these cases, further investigation of each of the lots either subdivided or assembled is required to ensure that no *Planning Act* violations have occurred.

5. Document findings

- Create a chain of title diagram (or “tree of title”) showing owners, dates, and descriptions.
- Include a sketch of the property and abutting lands with color-coded boundaries.

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