Title searching

A proper search of title is a necessary element of good real estate practice. The land titles system generally effaces the need for a thorough title search in transactions that involve land titles qualified properties, especially if those properties' abstracts contain a forty-year chain of title. Land title absolute properties do not require title searches beyond the abstract: section 45 of the Land Titles Act creates an almost-perfect title subject only to claims made against the first registered owner by a person with a beneficial interest in the first owner's estate.

Despite the efficiency of the land titles system, properties continue to only enjoy qualified title or to exist in registry. In these cases, proper title searching may be required for land title insurance and/or closing real estate transactions.

This page sets out the base requirements for title search behind the land title abstract / registry abstract.

Index

- chain-of-title
- land-titles-act
- planning-act
- registry-act
- registry-search

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.

Relevant legislation

1. Land Titles Act, R.S.O. 1990, c. L.5
2. Registry Act, R.S.O. 1990, c. R.20

Resources

1. LRO municipality search
2. Search historical land records
3. Land documents

Most upper-tier municipalities (large municipalities without counties or counties) will maintain a Geographic Information System (“GIS”). A GIS will provide a map with planning, environmental, and associated overlays that is very useful for title searching.

Key concepts

1. Planning Act Search Requirements

Purpose: Identify potential subdivision or part lot control violations under the Planning Act (R.S.O. 1990, c. P.13).

Timeframe: Search back to June 15, 1967 (if prior subdivision control by-laws exist) or June 27, 1970.

Exemptions:

- Whole lots on a registered plan of subdivision (not parcels/PINs).
- Conveyances to government entities.
- Properties deemed exempt via by-laws or Land Titles upgrades (e.g., Land Titles Absolute Plus).

Critical Actions:

- Verify no prior shared ownership with abutting lands during the Planning Act period.
- Review by-laws, consents, and validation certificates affecting the property.

2. Adjoining Lands Investigations

Objective: Confirm legal boundaries, access, and compliance with subdivision/part lot controls.

Steps:

1. Identify Abutting Parcels: Use subdivision plans, POLARIS maps, Teraview eMaps, and GIS.
2. Trace Ownership Chains: Ensure no common ownership with the subject land during the Planning Act period.
3. Document Encumbrances:

- Easements, restrictive covenants, and road reserves.
- Legal access to public roads (review road pages in the abstract index).

Sketching Best Practices:

- Create a color-coded diagram of the subject land and adjoining parcels.
- Cross-reference with parcel registers and abstracts.

3. Legal Access and Road Searches

- Verify access to a public road or documented easement.
- Check for road widenings, closings, or dedications on subdivision plans.

Example: If the property abuts a private road (e.g., Haliburton Trail), confirm it is not a reserve or encroached.

4. Exemptions and Exceptions

Whole Lots: Sale of a whole lot on a registered plan does not require a Planning Act consent.

Part Lots: Sales of part lots require verification that the seller does not own other abutting parcels.

Land Titles/POLARIS:

Parcels/PINs may not align with subdivision lot exemptions. Always confirm via by-laws or title insurer guidelines.

5. Subsearches and Updates

Purpose: Ensure no intervening registrations affect the transaction post-initial search.

Scope:

- Update abstract/day books for new instruments.
- Execute WritSearch (executions) and PPSR (personal property liens).

6. Documentation and Reporting

Mandatory Inclusions:

- Chain of title (by name and description).
- Sketches, abstracts, and copies of key documents (deeds, mortgages, by-laws).
- Search summary highlighting title issues, exemptions, and compliance.

Tools: Use POLARIS, Teraview, and abstract books for verification.

7. Title Insurance Implications

Requirements: Insurers mandate rigorous Planning Act and chain-of-title compliance.

Best Practice: Document all exemptions, consents, and compliance checks in the search summary.

From:
https://wiki.apstrom.ca/ - **A.P.Strom and Associates**

Permanent link:
https://wiki.apstrom.ca/firm:real-estate:title-search

Last update: **2025/07/02 02:02**