



July 31, 2020

Mr. Jeffrey W. Lem  
Director of Titles for the Province of Ontario  
Ministry of Government and Consumer Services  
Regulatory Services Branch  
20 Dundas Street West, 4th Floor  
Toronto ON M5G 2C2

Dear Mr. Lem,

Thank you for your letter of July 6 regarding the discontinuing of land registration counter services at all 54 Land Registry Offices (“LROs”). In preparation for the closing of the LROs, the OBA has a number of issues that it would like clarification on, or it would like to see addressed, in advance of the closing. We would welcome direction on these items and we look forward to working with you as the LROs wind up their counter services.

The OBA is the largest volunteer lawyer association in Ontario, with over 16,000 members who practice on the frontlines of the justice system, providing services to people and businesses in virtually every area of law in every part of the province. Each year, through the work of our 40 practice sections, the OBA provides dozens of submissions to government for the profession and the public interest and delivers over 325 in-person and on-line professional development programs to an audience of over 12,000 lawyers, judges, students and professors. This letter has been prepared by the Real Property Law Section of the OBA which has approximately 500 members who practice in every area of real estate law and regularly attend at and use the LRO.

1. As a result of this change will all Registry registrations now be done electronically? If not, there should be one location to send Registry documents, with staff that are specifically trained to handle Registry issues. The following is an inexhaustive list of some of the issues our members have encountered and/or anticipate encountering:
  - a. Pending modifications to Teraview or a similar platform being created, we understand that registrations will be via courier or email. During this period, if there are not instantaneous registrations as in the electronic system will there be a tracking system or clear processing timeline for parties submitting documents?
  - b. How will documents be date and time stamped?
  - c. What process will be in place so that multiple instruments can be submitted simultaneously while still controlling the order of registrations?
  - d. Registry transactions with multiple registrations, which previously would have been dealt with between a conveyancer and a staff person at the LRO who would

have completed all the registrations on the spot, have not been satisfactorily understood or dealt with.

- e. There have been issues linking the charges and the Assignments of Rents - General. Currently, the process is that a conveyancer registers a document, then scans it to the PIN and then registers the next document so that documents are recorded in “real time”. However, the LRO staff are not allowed to write anything into another document. That means that charge registration numbers would not be written into the assignment of rents thereby not linking the two documents. This could cause issues when the charges are to be discharged.
  - f. What is the plan for properties that have not been converted from the Registry to electronic registration (non-converts)?
2. There should be an allocated staff person available to deal with complicated transactions. Currently, members have been encountering 2-3 week delays while matters are escalated.
  3. We believe there need to be a number of improvements to OnLand. For example, currently when documents are submitted for pre-approval, the Toronto LRO cannot be selected.
  4. We want to understand how we will access historical records, and particularly: (i) historical books that have been digitized and uploaded to OnLand that are either not legible or of poor quality, or (ii) documents are not available online. Will there be a mechanism to request that historical abstract books can be rescanned upon request?
  5. When registering an amendment that creates new parcels of tied land (“**POTLs**”) for a common element condominium corporation, the regulations do not require the amendment to be registered on title against the existing POTLs, but only the common elements and the newly-created POTLs. This is incongruous, and it creates the operational problem of prospective purchasers of the pre-existing units not being aware of the amendment or the true allocation of common expenses among along all of the POTLs (pre-existing and the new ones). In fact, unless one searches title to the common elements or one of the new POTLs, one will not be aware of the new POTLs or new cost-sharing allocation per Schedule D. This could be rectified by amending Section 32 of O.Reg. 49/01 to require that amendments be recorded against the existing POTLs, as listed in Schedule J of the declaration amendment.
  6. Condominium declaration amendments (even for relatively simple changes that do not create new phases or add POTLs) are still done in paper (following the pre-approval

through ONLand) which adds extra time, cost and burden. As the LROs move online, and necessary upgrades are made to accommodate this change, we would like to see condominium declaration amendments also handled electronically.

7. Currently Teraview restricts the maximum number of PINS on an instrument to 450 and also restricts sourcing of discharges where the mortgage is registered on more than 800 PINS. This is becoming increasingly problematic given the increased size of development projects in Ontario, especially in larger urban areas. As the LRO becomes fully digital, this will become an increasingly challenging issue to navigate. There seems little reason why these restrictions are in place and the OBA would advocate their removal or, if that is not feasible, an increase of the PIN restrictions (we recommend 2,000 maximum PINS, as that would capture most condominium projects in the province). Specific issues created by these restrictions include the registration of bylaws, declaration amendments, change of address notifications, s.71 notices (like shared facilities agreements registered against all units of multiple large condominiums) are made more complicated and costly because they must be done by paper.
8. When an item is being registered electronically against all the units in a condominium, Teraview generates PIN pages that contain each PIN and the full description for each unit same, whereas on a paper form all of the condominium PINs can be listed in a single line. There are many ways that Teraview could conceivably generate a singular registration page document showing that an item is being or has been registered against all units and common elements of a condominium corporation without generating a PIN description for each unit running dozens of pages long, which makes the document unwieldy and unfriendly to condominium stakeholders.

The OBA would be happy to discuss possible solutions with yourself. We would be happy to discuss any of the foregoing in greater detail and look forward to continuing to working with you and the government to address these issues.

Kindest Regards,

A handwritten signature in black ink, appearing to read "Colin Stevenson". The signature is fluid and cursive, with the first name "Colin" written in a larger, more prominent script than the last name "Stevenson".

Colin Stevenson  
President, Ontario Bar Association