



Remote Witnessing of Authorizations – *The Land Titles (Remote Witnessing) Amendment Regulations, 2020*

Direction from the Registrar of Titles

August 7, 2020

On August 6, 2020, *The Land Titles (Remote Witnessing) Amendment Regulations, 2020* came into force. The new Regulations make permanent the option for remote witnessing by electronic means of documents for submission to the Land Registry that were introduced in *The Land Titles (Public Emergencies) Amendment Regulations, 2020*.

The Regulations make permanent the ability for lawyers admitted as a member of the Law Society of Saskatchewan to witness the signing of authorizations by title owners and interest holders remotely provided that the regulatory requirements are met.

New focus on electronic means of witnessing

The new Regulations have clarified that the remote witnessing provisions focus on the use of audio-visual technology, with the introduction of a new definition of “electronic means” in section 27.1(1).

This means that lawyers who witness signing of documents in-person but at a physical distance (such as on either side of a glass window) will no longer be required to complete a Certificate of Lawyer so long as they are able, at all times, to see and hear the person signing the application. In this circumstance, lawyers will only be required to enter a check mark in the box indicating that they are a witness who is a Lawyer in and for the Province of Saskatchewan, and insert their name where indicated on the authorization form.

Requirements for remote witnessing by electronic means

A new section 27.1 and section 27.4 have been passed and sections 27.2 and 27.3 have been repealed; however, the core requirements and process have been carried forward from *The Land Titles (Public Emergencies) Amendment Regulations, 2020*.

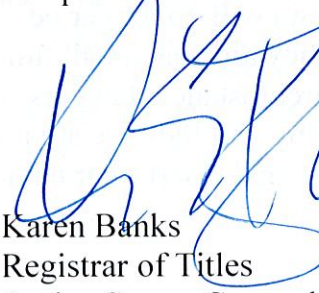
This includes:

- The prescribed witnessing and authorization actions must occur within a single session where the lawyer can at all times both see and hear the person authorizing the application.
- The prescribed process for authorization and witnessing of documents must be followed.
- Lawyers must comply with the requirements set by the Law Society of Saskatchewan.
- Lawyers must complete and submit the required Certificate of Lawyer in the application to the Land Registry.

The new template for the required Certificate of Lawyer is included in this Direction (and a completed sample) and is also available on the ISC website.

This regulation continues to apply to authorizations completed by individual title owners and interest holders as well as corporations executing authorizations not under corporate seal.

While lawyers are requested to start using the new Certificate of Lawyer immediately, to provide the opportunity for lawyers to transition to the new forms the Registry will continue to accept the Certificate of Lawyer mandated under *The Land Titles (Public Emergencies) Amendment Regulations, 2020* until September 30th provided that the Certificate is fully completed.


Karen Banks
Registrar of Titles
Senior Crown Counsel

