

Old World – New World Comparison

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Old World – New World Comparison

The new LAND System, while based on legislation that is quite similar to *The Land Titles Act*, will, nevertheless, have a very different look and feel compared to the Old Paper-based System. Some of the key principles behind these changes include:

- The separation of the Plan Processing component from Title Processing.
- The ultimate unification of 10 Registration Districts.
 - **One District - One Jurisdiction - One Queue.**
- The change from paper records to an electronic record.
 - The electronic record serves as the official record of title.
 - All historical paper will be imaged over time and accessible on-line on demand.
- The use of advanced technology in the search and registration processes.

This section will highlight the major changes that will accompany the implementation of the new LAND System, with particular emphasis on changes in terminology and procedural differences in the areas of searches and registration.



NOTE

Specific provisions of *The Land Titles Act, 2000* will be referenced in the Sections to follow. For the purposes of this section, reference will be made to the general provisions of the new Act as opposed to specific sections.

LAND System Numbers

There are several new nine-digit numbers displayed on titles on conversion to the LAND System. Here is a brief description of the main numbers and what they represent:

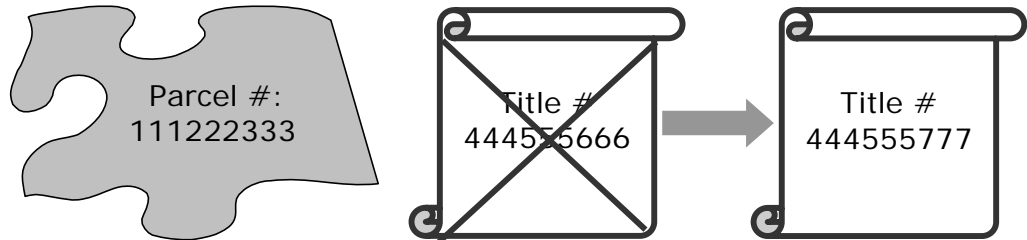
Parcel Numbers

- Parcel numbers are linked to the land.
 - There is only one parcel number for each surface piece of land in Saskatchewan.

Parcels are static and do not change unless application is made to transform it by consolidation or subdivision.

Title Numbers

- Title numbers are linked to the ownership.
 - There may be several title numbers for a parcel if there are tenants in common.
- New title numbers are created upon transfer, due to change in ownership.

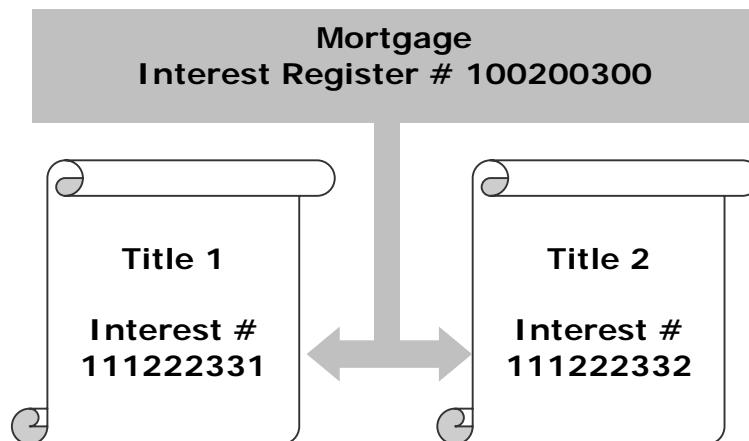


Interest Register Numbers

- Interest Register (IR) numbers are created for any interest when it is registered.
- IR numbers applies to the entire interest, no matter how many parcels or titles are affected.
- IR numbers relate to the holder and share information of the interest.

Interest Numbers

- Interest numbers are specific to the individual occurrences of the interest as it affects parcels, titles or other interests.
 - One IR number may have several interest numbers.
 - This allows for partial discharge or assignment of interests.



Plan Processing and GIS

Upon implementation of the LAND System, there will be two distinct and independent business functions: Title Processing and Plan Processing.

- Title Processing will maintain records of ownership and interests registered in relation to and against the individual land parcels.
- Plan Processing will maintain the Sask GIS Cadastral database and Integrated Spatial Database (ISDB). The ISDB is a complete, seamless view of the Province's current division of land into parcels.
- Plan Processing will include the former activities of the Chief Surveyor's Office and the Legal Surveys Branch.
- All titles will be based on parcels created from plans prepared under the authority of *The Land Surveys Act, 2000* and Regulations.
- Metes and bounds descriptions will not be allowed in the future. Instead, a Plan of Survey or Descriptive Plan will be required to change or create parcel boundaries.
- Standards and regulations for Plan of Survey/Descriptive Plan submissions will allow submissions in specified digital formats. Hard copy submissions will continue to be processed but will be minimized over time.
- All existing primary and secondary plans are to be scanned into an Image Database (CIMS), which is part of the e-Business Services application.

What is Plan Processing

- The Integration of the Chief Surveyors Office and the Controller of Surveys Office (SGD).
- One work unit called Plan Processing.
- One Plan Examination unit.

The Controller of Surveys was responsible for administration of *The Land Surveys Act*. This included maintenance and administration of the Province's primary survey system, and inspection and approval of all plans of survey intended for registration under the Highways Act. SGD also had responsibility under the Provincial and Territorial Boundaries Acts for maintenance and administration of the inter-provincial and territorial boundaries.

The Chief Surveyor's Office had responsibility for secondary surveys in Saskatchewan. This includes the inspection and approval of legal survey plans for subdivisions and consolidations intended for registration under *The Land Titles Act*. The Chief Surveyor's Office was also responsible for the public distribution of legal survey plans and the provision of advice to the registrars on legal survey matters.

The merging of activities allows for an integrated approach to the examination and approval of all legal surveys and legal survey plans. The integrated approach will support Title Processing and the Geodetic, Legal and Geomatics Mapping systems in Saskatchewan.

Integration: Plan Processing in Production

Effective May 7, 2001, Plan Searches were implemented on schedule. Clients now have access to over 100,000 survey plan images over the Internet. Clients may set up accounts through the Client Account Management System (CAMS) or do a search using a temporary account with their VISA or MasterCard.

On June 25, 2001, as part of implementation of the LAND System, Plans submitted with respect to land in the former Moose Jaw Land Registration District are subject to New World examination.

Plans relating to land in the unconverted offices will remain subject to Old World examination and registration procedures until proclamation of the new rules in each existing district.

Titles and Parcels

In the Old Paper-based System, a title was a piece of paper. A single title could relate to more than one parcel and/or more than one owner. Upon implementation of the new LAND System, paper titles are being converted in a manner that results in:

- Separate surface and mineral titles respecting the same land.
- Multiple titles in cases where the paper title referenced more than one parcel (e.g., an entire section of land or several urban lots).
- Individual titles for each owner in a tenancy in common relationship.

Title, therefore, refers to every ownership share recorded in a virtual register that exists for each *parcel* of land, called the “ownership register.” Each tenant in common is an *owner*. Each group of joint tenants is a single owner.

It is important to note that the official record with respect to titles is what will be stored in the Land Titles Registry database. This is, obviously, a significant change from the Old Paper-based System in which the Certificate of Title constituted the official record.

The types of parcels for which ownership registers may be established are:

- Surface parcels.
- Mineral commodities within a mineral parcel.
- Unit titles in a condominium.

Split Titles

On conversion, several new titles may be created from one Old Paper-based System title. Instances where this may occur are:

- Split multi-parcel titles.
- Split multi-owner titles.
 - Joint Tenants will have one title.
 - Tenants in Common will each have their own title.

In the new LAND System, one title cannot reference more than one parcel.

- Split surface and mineral titles.
 - Mineral titles will always be on a separate title, and may be further split into more titles if the commodities are split out.

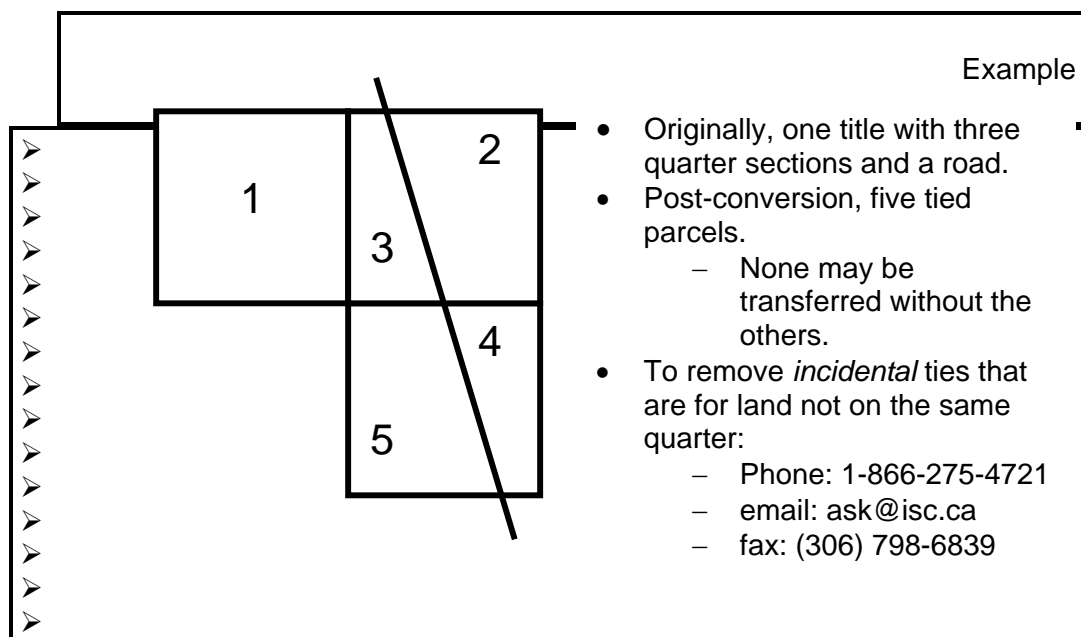
New parcels created if parcel is dissected by a roadway, railway or other geographical division.

Parcel Ties

As of Sept 2002 no new incidental ties are being created when the titles are converted. However, parcels that do have a roadway, railway, etc. will be tied.

When titles are dissected by a roadway, railway or waterway or by a metes and bounds description, all titles created from the same paper title will be tied.

Tied parcels cannot be transferred or, in certain circumstances, mortgaged or leased separately without approval of the Controller of Surveys.



Effect and Reliability of Title

The concept of indefeasibility continues to be a fundamental principle in the new LAND System. Thus, the title represents conclusive proof that the registered owner is entitled to whatever share in the parcel that the title represents.

Additionally, the registered owner holds the title free from all interests, exceptions and reservations other than implied exceptions and registered interests. The title may not be altered, revoked, or removed from the registered owner.

The principle of reliability of title is also continued. As such, a individual dealing with the registered owner is not required to look behind the title to see how the owner acquired the title, and is not affected by any actual or constructive notice of any trust, an unregistered interest, or an unregistered transfer.

All of the exceptions to indefeasibility that existed in the Old World have been carried forward into the New.

Uncertified Mineral Titles

Uncertified mineral titles are the equivalent of mineral titles for which no mineral certificate has been issued under section 208 of the old legislation. In the Old Paper-based System, most minerals could not be disposed of unless a mineral certificate was issued certifying that the purported owner was the correct registered owner. This prohibition did not apply in cases of combined (“Minerals Included”) titles – which will not exist in the New World.

In the new LAND System, subject to certain exceptions, uncertified mineral titles cannot be transferred. The most notable exception – contained in the regulations – is that transfers of minerals will be allowed in designated areas of the province, areas that are generally non-producing or low-production areas.

Only caveats were registrable against uncertified mineral titles under the old legislation. Under the new Act, many other interests can be registered against uncertified titles. The interest holder, however, assumes the risk that, if it is later determined that the registered owner is not the correct owner, the interest will be invalid.

Registration and Priority

The basic rule in relation to registration remains intact: as between parties, any contract or agreement respecting land that is legally valid continues to be valid with or without registration, but to be effective against third parties, it must be registered.

Registration Procedures

The new LAND System will feature a centralized work queue and a decentralized work force. Customers will submit applications for registration to the e-Business Services Centre, where these applications (which are organized in “packets”) will undergo scanning and markup prior to entering the queue.

Standard forms – all available to download from the ISC web site – will make for a more streamlined look to applications for registration. In addition to the Packet Cover Page form, examples of these forms include:

- Application for Transfer (Single Title).
- Application for Interest Registration.
- Application for Interest Discharge.
- Application for Interest Amendment.

These forms are all bar-coded so that the computer system knows the nature of the application being made, and their use is mandatory.

There will also be standard forms for many required authorizations for a registration. Normally, authorization for transfer of title is the signature of the registered owner that is verified by Affidavit of Execution or, where the witness is a barrister and solicitor, the signature of the witness. In cases of the discharge, amendment or assignment of an interest, similar authorization – by the interest holder – is necessary. The authorization forms are not bar-coded; therefore, any other document that signifies authorization of the transaction by the appropriate authority, duly executed and witnessed, and that otherwise complies with the regulations may serve as an authorization.

Where the dealing with a title or interest is seen as involuntary (e.g., by way of a court order, expropriation, or tax enforcement), the relevant documentation is reviewed to

ensure that the consent of the title owner or interest holder is not necessary and that a proper substitute authority has been provided – which is no different from the current practice.

Priority Rules

In the Old Paper-based System, an instrument received a numbered stamp when it arrived in the Land Titles Office, which gave it its priority and the effective date of registration. In the new LAND System, a registration is effective at the time that the title is changed (i.e., when the packet of work has been processed and the new data has been committed to the database).

As with the Old Paper-based System, there is a degree of randomness to the extent that applications for registration will enter the province-wide queue in the order in which they were received. Thus, if a packet arrives by mail, the order of opening the mail and entering the queue is random for that day. Packets that are sent by fax or email will enter the queue in the same way, at the time that they are received. Applications sent by courier, which are received after the mail is delivered, will be taken in order of receipt following the items received by mail. Then the Land Registry will process the work in the order that it comes out of the queue. Note that workers from all over the province will be pulling applications out of the queue for processing, and working on them at more or less the same time. Whichever application is finished first and has changes to the title made will have an earlier effective time of registration, regardless of the order that it went into the queue.

Output

A verification statement will be sent to applicants for registration after their application is registered, which will verify that the registration has occurred. This will permit the applicant to check that the registration was as intended, and apply for correction of any error that may have occurred.

As well, notices will be sent to:

- Any party whose title has been transferred.
- Any party whose title has an interest (including a writ or maintenance order) registered against it.
- Any party whose interest has been amended, assigned or discharged.

This will permit these parties to object if the registration is improper, and take steps to deal with or correct the registration.

As part of a registration packet, customers have the option of requesting a title print – which shows the updated title and interest information, much like the certified copy of title did in the old paper-based system. Customers submitting packets can choose to have title prints sent to them and/or to specified third parties, by way of the following delivery methods:

- Mail (post office)
- Fax
- E-mail

Mineral Commodities

In the old paper-based system, titles could be issued to all mines and minerals, coal (and valuable stone as being necessarily included in coal), petroleum and natural gas or variations of that name, and the minerals that remained after coal and petroleum and natural gas were removed. In theory, this last category included all other minerals that may exist, such as potash and uranium. But the elusive meaning of minerals, and the fact that even a mineral found in its natural state is usually found in association with some other mineral or substance is problematic in the context of a Land Titles System that guarantees ownership.

Commodity Types

The regulations under the new Act list the following mineral commodities for which there can be new titles issued:

- All mines and minerals
- Coal
- Petroleum and natural gas
- All mines and minerals except those otherwise specifically mentioned in a title

All existing titles for mineral commodities in the old paper system, other than the ones specified above, will be converted as they are. This will allow owners to retain the rights that they had in those titles, whatever they may be. In addition, transfers will be permitted for those exceptional commodities. However, it will not be possible to sever a mineral commodity from a title for all mines and minerals, other than for one of the mineral commodities listed above.

Owners

The Old Paper-based System was not equipped to enforce restrictions on the ownership of titles to natural individuals, bodies corporate and the Crown. As a result, in some cases, entities without legal capacity to own land, such as clubs, organizations and unincorporated businesses, did get titles registered in their names.

The Land Registry will be using the database maintained by the Corporations Branch as its database of bodies corporate. That agency will determine whether a particular entity is a “body corporate” within the meaning of the section, and will assign entity numbers to all such bodies corporate that require one to own a title or hold an interest.

Other entities designated in the regulations might include entities that are not bodies corporate but that are entitled to register interests in land, or entities such as Indian bands that might eventually be expected to be permitted to own title in the name of the band.

Ownership Structures

Under the former legislation, where two or more individuals were referenced on a grant, transfer, assignment or other disposition of land, they took as tenants in common unless there was a clear intention on the face of the relevant document(s) that they were taking as joint tenants. The new legislation also deems ownership to be as tenancy in common in the case of more than one owner, unless the application for registration specifically states otherwise. However, the relevant application forms in the new LAND System provide for increased clarity in terms of the applicants’ intentions – including a check-box for joint tenancy and joint tenancy with survivorship situations, as well as Fractional Title Share fields for tenancies in common.

Recall that, in the new LAND System, a separate title is issued for each undivided share in a tenancy in common. As such, a tenancy in common title will be distinguishable from a joint tenancy title.

Trusts, Estates, Bankruptcies and Other Capacity Issues

As always, trustees that own title cannot be shown as such. Displaying trusts would be inconsistent with the fundamental Torrens principle of reliability of title. The exceptions to this rule include showing personal representatives and trustees in bankruptcy on the title in their capacity as such, a practice that is being continued in the new LAND System.

Children and dependent adults are entitled to own land and interests in land in Saskatchewan. However, no child has, and most dependent adults do not have, the legal capacity to deal with that property. Accordingly, the new LAND System has the capability of tracking which titles and interests are owned by children and dependent adults to notify the customer and the Land Titles Registry that the property can be dealt with only by someone authorized by law to do so. In the old paper-based system, the fact of infancy of a registered owner was noted on the front of the Certificate of Title. On the other hand, a dependent adult notice was endorsed on the back of the title. In the new LAND System, both of these circumstances will be dealt with in the same manner – the individual with the authority to deal with the title or interest on behalf of the child or dependent adult (e.g., Public Trustee; property guardian of the child; or property guardian or co-decision-maker of a dependent adult) will be noted as such on the title information.

Occasionally, titles and interests that actually belong to children will not be flagged as belonging to a child. In that case, the affidavit of execution that is completed by the witness to the signature of the owner or interest holder will not be able to declare that the individual executing the document is over the age of 18. Without this affidavit, the transaction will not proceed with only the authorization of the owner. The authorization of the “alternate” signing authority will be required.

Transfers

In the new LAND System, all changes of ownership are accomplished by way of a transfer. This includes:

- Voluntary transfers from the registered owner to a purchaser for value.
- Voluntary transfers from the registered owner to a recipient (or “volunteer”) for no value.
- Involuntary transfers pursuant to an expropriation, tax enforcement proceeding, or court order.
- Transmissions to a personal representative or trustee in bankruptcy.
- Transfers to a surviving joint tenant.
- Statutory vesting, such as the vesting of streets and lanes in the Crown upon the issuing of new titles following a subdivision.

A transfer, from the perspective of the automated system, consists of the surrender of existing title(s) and the creation of new title(s). In the simplest transfer situation – where only one old title is surrendered and only one new title is created – a single Application is required. In any other case – one title to multiple titles, multiple titles to one title, or multiple titles to multiple titles – the transaction must be broken down into title surrender and new title set up applications. In cases of transmissions and transfers to surviving joint tenant(s), unique forms are required.

Authorizations

In order to register a transfer, the Land Titles Registry requires appropriate authorization. In the case of a voluntary transfer, this authorization is the signature of the registered owner, verified by affidavit of execution or, where the witness is a lawyer in Saskatchewan, the signature of the witness.

Powers of attorney may be accepted as authorization for registration of any application under the Act, but the process is different in the new LAND System. In the Old Paper-based System, a “general” power of attorney could be registered in the GR – it did not describe specific lands of the donor and did not disable the owner from dealing with his/her/its land. A “specific” power of attorney described specific lands and was endorsed on the relevant certificates of title. A title owner’s ability to deal with the land against which a specific power of

attorney was registered was *suspended* until the power of attorney was revoked. In the new LAND System, because there is no more GR, the power of attorney (whether it is phrased in general terms or makes reference to specific titles or interests) must accompany each transaction for which it is being used as authorization. Furthermore, regardless of the detail contained in the instrument, the donor's ability to deal with the his/her/its titles or interests is not suspended. Finally, it should be noted that specific powers of attorney are not being carried forward in the conversion of the paper titles into the new LAND System. Thus, with respect to this kind of power, not only will the attorney have to submit the document each time s/he makes an application affecting the donor's titles and interests, s/he should also be aware that the donor continues to have (or regains) the ability to provide his/her/its own authorization.

In the case of an involuntary transfer, the authorization comes from the expropriation order, the tax enforcement order, or the court order. In the case of a transmission, the authorization comes from the production of the document verifying the authority of the new owner, such as letters probate, letters of administration, or an appointment of a trustee in bankruptcy. In the case of a surviving joint tenant, the authorization is the death certificate of the deceased joint tenant and an affidavit from the surviving joint tenant verifying that the deceased joint tenant is the same individual as the one named in the death certificate.

**NOTE**

Homestead Affidavits should be placed after a Begin Attachment Sheet that would accompany an Application for Transfer (Single Title) or an Application for Transfer (Part II: Setup). By doing an audit of the title, the customer can select the option to view the request that created the title. The customer is taken to the Packet Detail screen where they can then view the image of the application and/or the attachment, in this case the Homestead Affidavit.

Conditional Registration

In any case where a transfer is registered, all interests that show against the transferred title are carried forward onto the new title, unless discharged or unless some other law prevails, for example, in tax enforcement proceedings, under which the municipality receives the title clear of all interests except the interests set out in section 26.1(8) and 27 of *The Tax Enforcement Act*. A new owner or its agent can make the registration of a transfer conditional by one of two different methods:

- Checking the Free and Clear Registration box on the relevant form means that if the title were to be subject to any interests carrying forward from the surrendered title, or to a writ or maintenance order that is being “auto-attached” from the Saskatchewan Writ Registry, the application will be rejected.
- Completing the Conditional Registration Date and Time field will result in the computer checking the surrendered title and any interests thereon between the specified date/time and the current time of processing the transfer for any activity – if there has been activity affecting the title/interests (other than the discharge of interests), the application for transfer will be rejected. This method is the counterpart of the kind of conditional registration in the old paper system in which the new owner was willing to allow certain, permanent, interests (e.g., public utility easements) to be carried forward onto the new title, or other interests for which arrangements had been made for subsequent discharge after the new title was issued.

Interests

There are significant differences with respect to both the legislation and the procedures relating to the registration of interests in the new LAND System. In the old paper system, the terms *interest*, *endorsement* and *notice* had related but (sometimes) different meanings. In the new LAND System, the definition of interest has been expanded to include:

- Interests in land recognized at law as an interest in land, such as leases, mortgages, and easements.
- Interests in land that are registrable pursuant to federal or provincial statute, such as writs of execution, builders' liens, heritage property designations, and dozens of others. In the Old Paper-based System, things like heritage property designations appeared as "Notices" on the back of the title.
- Any interest in land that is designated in the regulations to be registrable, if it does not fall into the first two categories.

The old legislation did not speak to the effect of registration, against a title, of an interest in land. In the new legislation, the effect of such registration is made clear. The main such effect is that registration of the interest constitutes notice of the interest to third parties. For any interest that is not registered, parties dealing with the owner can blissfully ignore it, even if they are aware of it. However, if it is registered, the notice is real.

An interest can be registered without being valid. Land Titles Registry staff will no longer examine applications for registration of interests to determine their validity – the computer will provide a minimum level of checking to the extent that certain interest types are not registrable against abstracts or interests, as well as verifying that parcel, title and interest numbers against which an interest is being registered actually exist.

Registration and Disclosure

The Application for Interest Registration Form requires the applicant to specify the interest type that is being set up from an extensive list that includes both interests in land recognized at law (e.g., mortgage, lease, common law easements), those interests that have been created by provincial or federal statute (e.g., builders' liens, public utility easements,

Expropriation Act (Canada) Notice to Expropriate, etc.), and interests designated in the Regulations.

Fields for information such as scheduled expiry date and value (principal on a mortgage or amount of claim under a builder's lien) are provided on the form. The customer specifies the relevant details with respect to what the interest is being registered against (Parcel #, Title #, etc.), and as mentioned previously, as long as they are valid numbers, the registrations will succeed. Note that where the interest is being registered against another interest, it is the interest, not the related title, against which the new interest is registered. For example, if the tenant under a lease is mortgaging its interest, then the mortgage will be registered against the lease. This is a change from the old paper system in which both the lease and the subsequent mortgage would be represented by endorsements against the relevant title.

For certain interests, disclosure of the terms of the interest is mandatory to make registration valid. For interests recognized at law as an interest in land and interests declared in the regulations to be registrable, the application for registration must include **either**:

- A summary of the interest (e.g., mortgage for \$100,000 at 10% for 5 years). **or**
- An attachment that provides disclosure of the interest. This attachment can be a piece of paper that summarizes the relevant terms or a copy of the agreement between the parties.

The automated system will reject the application for registration if it does not detect either the summary on the registration form or an attachment. However, no staff individual in the Land Titles Registry will read the attachment. If it does not relate to the interest claimed, the registration will proceed but it will be invalid.

Third parties need not concern themselves with terms of the interest that are not disclosed. It is therefore wise to disclose as much information as possible to protect all possible rights. Attachment of the full agreement will provide the best disclosure possible

Postponement, Amendment, Assignment & Discharge

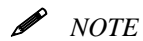
The Land Titles Registry will require appropriate authorization to deal with an interest. As in the case of transfers, that authorization can include the consent of the registered interest holder, or an authorization that dispenses with the consent of the interest holder, such as an expropriation order or court order.

Take note that a postponement is treated in the new LAND System as an interest against an interest. The computer will ensure that the registration is against at least two interests, and that one of those interests has been marked as the benefiting interest (i.e., the interest in whose favor the prior interest is being postponed). In the Old Paper-based System, the legislation permitted postponements only in relation to “encumbrances” (that is, mortgages, “mechanic’s” liens, and executions). However, customers routinely attempted to postpone other interests as well. Under the new legislation, postponements can be registered for most interests.

An application for an amendment of an interest may be used to achieve several different objectives:

- You would use an amendment to the value of an interest to reflect what in the Old Paper-based System would have been called a discharge as to amount.
- A renewal of an interest is accomplished by amending (extending) the expiry date that had initially been entered into the database at the time of registration.
- Having additional titles affected by an existing interest (e.g., adding land as additional security for a mortgage) can be done by way of amendment.
- Changes to your disclosure are also done by amendment by adding a new attachment and removing an old attachment, for example.
 - In the Old Paper-based System, interests were assigned or transferred by way of an additional endorsement, referencing the relevant instrument number, on the back of the certificate of title. In the new LAND System, there is a separate form for the assignment of an interest, which essentially removes the original holder of the interest from the database and replaces it with the assignee. The history of the assignment will still exist and can be searched, in the event that a customer wishes to see information relating to the original holder of the interest.

There are a number of methods that can be used to discharge registration of interests from titles and from interests against which they are registered.



NOTE

If an interest has interests registered against it, discharge of the “parent” interest has the effect of discharging all of the “children” registered against it.

As mentioned, authorization can include the consent of the registered interest holder, or an authorization that dispenses with the consent of the interest holder, such as an expropriation order or court order.



NOTE

Any interest for which an expiry date was entered into the system will, if not renewed prior to the end of that date, be automatically removed from the titles or interests against which it was registered.

Transforms

In the old paper-based system, the registration of a plan of survey resulted in new titles being issued for the relevant parcel. The new LAND System has clearly separated the roles of the Plan Processing System and the Land Titles Registry. “Transform” is a term used to describe the situation in which the shape of a parcel of land changes, the result being the raising of a new title(s) for the new parcel(s). A transform includes both the subdividing of land and the consolidation of multiple parcels into fewer or a single parcel.

Two-step Process

The separate roles of the Plan Processing System and the Land Titles Registry means that there is a two-step process involved in completing a subdivision or consolidation:

- The plan is submitted to the Controller of Surveys pursuant to *The Land Surveys Act, 2000*.
- If the plan meets the standards established by the Act, the Controller of Surveys advises the applicant of the new Parcel numbers that have been created, and this information is submitted to the Land Titles Registry in order for new titles to be raised for the new parcels. Note that titles must be raised for all new parcels created at the same time – the system ensures that all titles from the “source” parcel are surrendered and that titles are raised for all “target” parcels contained in the plan.

The Abstract Directory

In the Old Paper-based System, abstracts were issued for unpatented surveyed Crown land as a mechanism to provide customers of the Land Titles System with information regarding instruments that affected Crown land. These records were only created when required (i.e., when an instrument was filed that affected the subject land). In the new LAND System, the Abstract Directory will contain records for all unpatented land, not just land affected by filed interests.

Information Only

Because there are no titles for the parcels contained in the Abstract Directory, the indefeasibility provisions that apply to the Land Titles Registry do not apply. In fact, the Abstract Directory is provided to customers for information only; nothing is guaranteed.

Under the new Act, interests may be filed against abstracts, which constitute notice to third parties of the interest claimed. The Crown, in cases where it considers it appropriate, may direct the Registrar to remove an interest filed in the Abstract Directory.

Saskatchewan Writ Registry

The Saskatchewan Writ Registry replaces the old General Record for writs and maintenance orders. There are significant changes between the Old Paper-based and new LAND Systems in terms of the registration of writs and maintenance orders and the effect of registration.

Province-wide Registry upon Implementation

Unlike the other parts of the new LAND System, the Saskatchewan Writ Registry becomes operative across the province on the first day of implementation of the new LAND System. Effective June 25, 2001, all writs and maintenance orders issued in the province are, when registered, in the Saskatchewan Writ Registry instead of any General Record in any Land Titles office. The writ or maintenance order is only registered in one place, and is effective throughout the province. In offices that are not yet implemented, staff will be searching the province-wide Saskatchewan Writ Registry instead of the General Record. In those districts, the Saskatchewan Writ Registry will be searched for the name of the existing owner and new owner, and the mortgagor, and if there is an exact match to the name on the writ or maintenance order, that writ or maintenance order will be applied to the title using the rules of the Old Paper-based System.

Registration in the Saskatchewan Personal Property Registry

Registration in the Saskatchewan Writ Registry will be accomplished by registering a writ of execution or maintenance order in the Saskatchewan Personal Property Registry (SPPR). Once the writ or maintenance order is registered in the SPPR, it is automatically copied to a database that is the Saskatchewan Writ Registry on a regular basis.

In order for writs of execution to be registrable in the SPPR, they must be issued against both goods and lands. The execution creditor will no longer choose one or both. Maintenance orders continue to be effective against land, not against personal property.

“Auto-attach” and “Requested-attach”

There are two ways that a writ or maintenance order can attach to a title or interest. The first is referred to as “auto-attach”. If a title is being transferred to a name identical to the name on the writ or maintenance order, or an interest is being set up in a name identical to that on the writ or maintenance order, the system will automatically apply the writ or maintenance order to the title or interest as a charge against that title or interest. The priority of the writ or maintenance order is the time that it is registered against the title, and not the date it was issued or registered in the Writ Registry. However, the system will ensure that it is the first interest registered against the new title or interest, other than interests that are carried forward from the previous title or interest. It will be possible to search the Writ Registry in advance of registration to determine whether a writ or maintenance order will attach. This will give the opportunity to have it dealt with prior to registration, or will allow the registrant to consciously permit it to register, so it can be dealt with at a later date.

The ability to search titles by name makes it unnecessary for the staff to search the Writ Registry upon a registration to attach a writ or maintenance order to the existing owner or mortgagor. Customers will be able to search and “request” attachment of the writ or maintenance order to any title or interest in the name of the judgment debtor or respondent. Note, however, that applications to register a writ or maintenance order against the title or interest cannot occur unless the writ or maintenance order is first registered in the Saskatchewan Writ Registry.

Discharge

The writ or maintenance order is removed from the Writ Registry in the same manner as it is withdrawn from the Saskatchewan Personal Property Registry. Once removed from the SPPR, it is automatically discharged from the Saskatchewan Writ Registry and from any title or interest against which it was registered. Note that writs will be registered against titles or interests for the life of the writ only. They will be automatically discharged from the Writ Registry and any title or interest upon the expiration, unless renewed in the SPPR.

Searches

The procedures for searching the Land Titles Registry, Saskatchewan Writ Registry and Plan Processing in the new LAND System will be radically different from the Old Paper-based System. Searches of the Land Titles Registry, Abstract Directory, Saskatchewan Writ Registry and Plan Processing will be available to account-holders over the Internet. Any individual that does not have a pre-existing account can establish one at the web site by quoting a credit card number.

The criteria on which a customer can base its search will be far more extensive than what was available in the Old Paper-based System. Consequently, the results of a search may yield different kinds of information, depending on the customer's requirements.

Quick Search

"Quick Search" can be seen as the counterpart to the Old Paper-based System's current title search. The result will be information similar to the old paper title, that is, the name of the registered owner or owners, if they are joint tenants, their client numbers and addresses, the parcel number and land description of the parcel to which the title relates, and any interests registered against the title.

Search

"Search" is more advanced than "Quick Search." Examples of the more detailed results available as a result of a Search include an image of an attachment (disclosure) to an interest; the history of a title; and, when available, a parcel picture showing a computer-generated sketch of the parcel.

Writ Registry Search

The Writ Registry may be searched according to the name of the debtor. It will also be possible to request searches of names similar to the debtor's, as determined by the automated program, or by the use of "wildcards" – designated by the "%" symbol for one or more characters and the "_" symbol for a single character – to broaden the search. Refer to the Searches section of the Customer Reference Manual for more detailed information.

Grant Search

The ability to search for a Crown grant is new feature of the automated system. The grants database can be searched by:

- The name of the grantee.
- The legal description of the parcel of land that was the subject of the grant.

Survey Plan Search

Survey Plans can be searched using a variety of selection criteria, including plan number, location, legal land description or type of plan. You may print all images, reports and search results.

The ISC website offers the following types of Plan Searches:

- Plans of Survey.
- Support Documents (such as correspondence, reports, field notes that are submitted with Survey Plans and received after implementation in the Moose Jaw Land Registration District).
- Controller of Surveys Orders amending plans or documents received after implementation in the Moose Jaw Land Registration District.
- Field Notes made during the original survey of the Township fabric that have been digitally imaged as of the implementation in the Moose Jaw Land Registration District.
- Request Status can be used to check the work in progress status of a request submission.

Condominiums

Several changes have been made to *The Condominium Property Act, 1993* to correspond with the changes to the Land Titles Registry.

Condominium Plans

In the Old Paper-based System, the registration of a condominium plan creating the condominium corporation was tantamount to approval of the plan, and creating titles to the units. In the new LAND System, just like every other transaction for which a plan is required, the condominium plan first goes to the Controller of Surveys for approval using the processes under *The Land Surveys Act, 2000*. When that plan is approved, it does not create the titles; the developer must take the additional step of going to the Land Titles Registry and requesting that the titles be issued.

Condominium Corporation

In the new LAND System, the condominium corporation is created upon the issuance of the titles to the units, but the condominium corporation number is a number assigned by the Corporations Branch of Saskatchewan Justice. The Land Titles Registry will be interacting with the Corporations Branch to obtain that number on behalf of the customer.

The Corporations Branch will also maintain information relating to changes of address and bylaw information of the condominium corporation in the new LAND System.

Condominium Titles

Titles to condominium units have not changed significantly from the Old Paper-based System. Unit titles will continue to show the unit factor, and will refer to a share in the common property that is proportionate to the unit factor.

Encumbrance Sheet Eliminated

In the Old Paper-based System, due to the limitations of the paper-based system, it was simpler to register interests that applied to all units, against the condominium plan instead of against the individual titles. This gave rise to the concept of the encumbrance sheet, which was kept with the condominium plan, and on which was endorsed all interests and notices that affected all units.

In the new LAND System, because of the ease of computerized record keeping, the encumbrance sheet is no longer required, and interests that affect all units can and will be registered against all titles.

Extension Numbers

What Is An Extension Number?

There are two terms commonly used to describe land:

- **LLD** refers to the *Old Paper-based System Legal Land Description*.
- **Land Description** is the *new LAND System term used to describe land*.

Extension numbers are a newly implemented LAND System land descriptor that will attach to **all** Old Paper-based System LLDs at the time of conversion. The addition of these extension numbers ensures that all land descriptions are, and will remain, truly unique. New extension numbers will be assigned to any parcel changing size or shape as defined on a new plan. These extension numbers are arbitrarily assigned and have no intrinsic meaning whatsoever.

All metes & bounds and exceptions will be assigned a plan number and extension number.

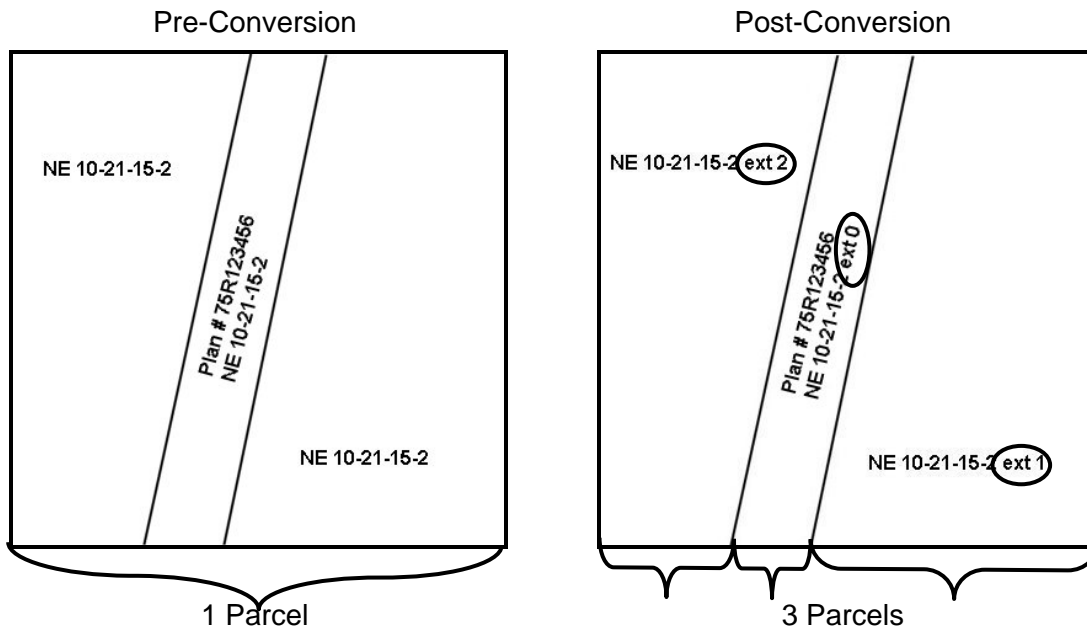
You are able to determine which portion of land the extension number relates to by viewing a Geographic Information System (GIS) picture of the parcel of land.

By entering the extension number in your search criteria (e.g., Search by Land Description), the LAND System will bring back search results for the specific parcel of land (e.g., the portion to the east/west of the roadway) that you are searching.

To further explain, let's examine a parcel of land, pre- and post- conversion:

Sample Scenario

A quarter section of land (described in the Old Paper-based System as the NE 10-21-15-2) has a roadway running through its centre (*see illustrations listed below*). Upon conversion to the new LAND System, this single parcel is split into three individual parcels, each with its own unique land description.



- Parcels in the Old Paper-based System (i.e., pre-conversion) existed as one title minus any exceptions (e.g., roads, rivers, metes & bounds, etc.). All exceptions were described on a single Certificate of Title.
- Parcels in the new LAND System are created for each surveyed piece of land (or, in the case of descriptive plans, the parcel created by the plan). Each lot in an urban subdivision and quarter section in rural subdivisions is a separately surveyed parcel, drawn on the plan individually, and identified with a land description.
 - All exceptions (e.g., roadways, railways, rivers, etc.) and metes & bounds will be assigned their own parcel number and land description.
 - All dissected parcels will be assigned their own unique land description (i.e., through the addition of an extension number to their current land description) and will be tied together by way of a parcel tie. Parcel ties will ensure that one fraction of a parcel is not transferred without the other tied parcels.
 - Mineral and surface layers, even if they have the same boundaries, will become their own parcels.

Dissected parcels will have unique land descriptions but still maintain their connection to each other via parcel ties.

**NOTE**

Evidence of ownership is no longer a “certificate of title” in paper form. Each “ownership register” established under *The Land Titles Act, 2000* is for a parcel. By always keeping ownership registers at the parcel level, ISC achieves consistency, ease of interpretation of titles, and the ability to track divided ownership more easily. It is a safeguard against the issuing of titles that collectively represent less than 100% ownership.

When Are Extension Numbers Assigned?

Extension numbers are initially assigned to **all** land descriptions at the time of conversion. Every parcel of land, including those created as a result of parcelization (e.g., the creation of new parcels as a result of metes & bounds and exceptions such as roadways, rivers, railways, etc.) will have its own unique land description.

**NOTE**

Metes & bounds descriptions do not exist in the new LAND System. Titles no longer carry forward metes & bounds exceptions. Rather, all metes & bounds are assigned their own plan number and extension number on conversion and become their own parcel (versus an exception to an existing parcel).

In the new LAND System, you cannot search a title containing a metes & bounds description using that same metes & bounds description as the search criteria itself. Instead, you must use the land description of the “remaining” land.

- There are two portions of land associated with a title containing a metes & bounds description:
 - The land that is represented by the metes & bounds description (i.e., represented by a plan number in the new LAND System).
 - The remainder of the land (i.e., out of which the land represented by the metes & bounds description is carved).

**NOTE**

Once a parcel has been converted, a new extension number is assigned whenever that parcel of land changes size and shape. This allows for the ability to track a parcel's history from conversion onward.

Extension numbers will attach to all Old Paper-based System LLDs at the time of conversion. New extension numbers will be assigned to any parcel changing size or shape as defined on a new plan. The addition of these extension numbers ensures that all land descriptions are, and remain, truly unique.



NOTE

During the conversion title entry process the convention of setting the extension number equal to the descriptor number was adopted. This guaranteed no duplication of extension numbers for a given old world LLD and eliminated the need for a process to determine the next available extension number for any given land description. This has resulted in “large” extension numbers (i.e., the highest extension number is currently 1189) but was considered acceptable since **extension numbers have no intrinsic meaning.**

It is a misconception to assume an extension number of zero means a pristine parcel, although it is possible to have two parcels with the same land description and extension numbers of 0 and 1.

Why Do We Need Extension Numbers?

There are two terms commonly used to describe land:

- **LLD** refers to the Old Paper-based System Legal Land Description.
- **Land Description** is the new LAND System term used to describe land.

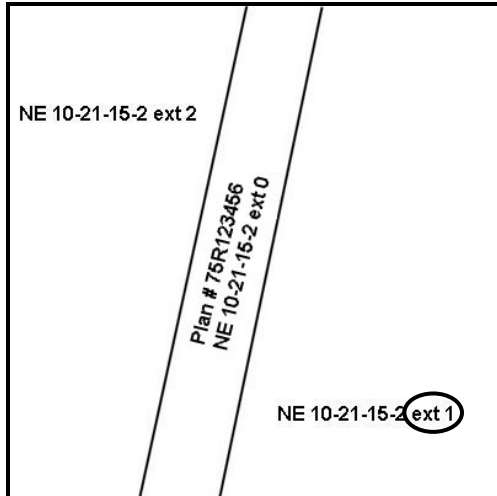
The legal land description (LLD), which is now known as the land description, is a main key in today's LAND System as well as other agencies' land based systems.

As the size and shape of land changes over time as parcels are dissected, subdivided, consolidated, etc., the land description for these parcels must also be amended to accurately represent the land it describes. The Old Paper-based System documented these changes by simply "describing" them on the certificate of title. The land description was never changed, but rather 'portions' were taken away by means of metes & bounds, etc. This method often resulted in the use one LLD to reference multiple parcels. Scrupulous examination of a certificate of title was required to correctly identify a specific 'portion' of land. The LAND System, on the other hand, has implemented a "unique identifier" system by which all land descriptions will be and remain unique. When the size and shape of any parcel of land is changed the land description that describes it will change also. The LAND System extension number serves as this identifier, ensuring the uniqueness of every land description.

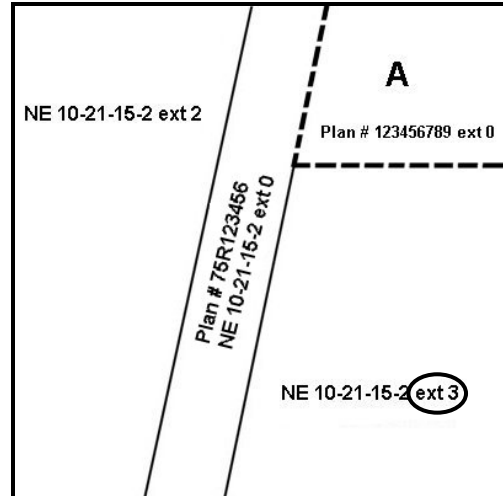
An inactive extension number will serve as a historical record of how that parcel of land once existed. This allows for a truly unique identifier for all parcels of land over time.

Here is an illustration:

Before Subdivision



After Subdivision



All instances requiring the consolidation or subdivision of LAND parcels now require a Plan (e.g., Plan of Survey, Description Plan, etc.).

The illustrations above depict how the land description for a parcel of land might change when subdivided. This example has Parcel A being subdivided (by way of a new plan) from the original parcel with the land description NE 10-21-15-2 ext. 1.

Parcel A is assigned a new plan number and land description (i.e., Plan #123456789 ext 0), and the remaining portion of the original parcel (i.e., NE 10-21-15-2 **ext. 1**) is assigned a new extension number (i.e., NE 10-21-15-2 **ext 3**), thus preserving the uniqueness of every parcel, past and present.

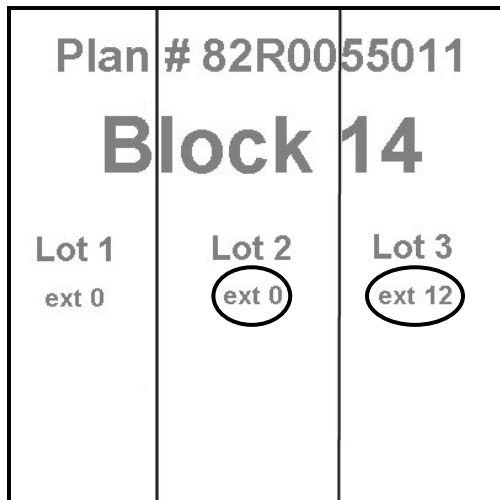


NOTE

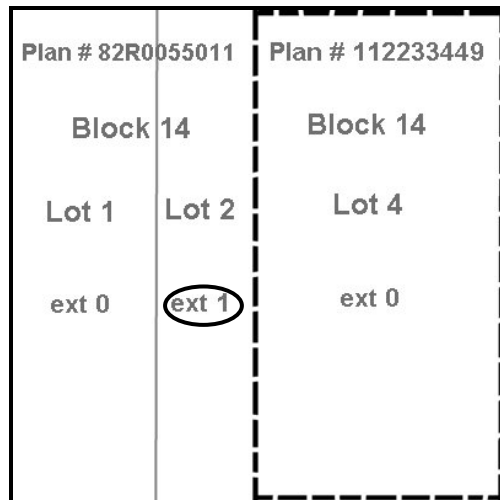
When a portion is taken from an existing parcel (i.e., by way of a new plan), the remaining portion of the existing parcel retains the land description - only the extension number changes to a new value.

Here is another example:

Before Subdivision



After Subdivision



In the example above, a new plan (i.e., Plan # 1122233449) replaces part of an existing plan (i.e., Plan # 82R0055011), affecting two parcels:

- Lot 3 is now replaced entirely by the new plan and no longer exists as an active parcel.
 - Its land description (i.e., Plan #82R005501 Blk 14 Lot 3 ext 12) will forever remain as an historical record of how this parcel once existed.
- Lot 2 is only partially replaced by the new plan (i.e., Plan #1122233449).
 - The remaining portion of lot 2 will be assigned a new extension number (i.e., ext 1) so that its' land description now represents **only** the current portion of the active parcel (not the portion replaced by the new plan).

If you have any further questions regarding extension numbers, please contact the Customer Call Centre at our toll-free telephone number at 1-866-ASK-ISC1 (1-866-275-4721) or over the Internet at ask@isc.ca.

Summary Table

Although the fundamentals of the Torrens system of land registration have been retained in the new LAND System, certain processes and documentation will be different from what was done in the Old Paper-based System. A table summarizing the corresponding concepts appears below.

Old World Concept, Principle, Process	New World Concept, Principle, Process
Chief Surveyor's Office, Controller of Surveys	Plan Processing System – integrated approach to the examination and approval of all legal surveys and legal survey plans
Certificate of Title = Official Record	Official Record stored in Land Titles Registry database
Paper title may contain reference to multiple parcels, surface + minerals, multiple owners of different undivided interests (tenancy in common)	Title refers to a single parcel and a single ownership share (e.g., 2 tenants in common mean there are 2 titles). No more combined mineral and surface titles
Indefeasibility of Title	Continues to be a fundamental principle
Reliability of Title	Continues as a fundamental principle
Mineral Titles without Mineral Certificate – no transfer allowed; only caveats registrable against them	Uncertified Mineral Titles – no transfer allowed except in designated (non-producing) areas; interests may be registered at holder's risk
Registration effected in Office associated with relevant Land Registration District	Single, Province-wide Registration District – single work queue, decentralized work force
Varying formats for registration documentation	Standardized Forms – download-able from ISC web site
Priority of registration determined by effective date + instrument number	Priority determined by date/time that the new title/interest information entered the database
Post-registration copy of title	Title Print –optional with verification statement
Output mailed or picked up at LTO	Expanded delivery methods for output (e.g., fax, email)
Mineral Commodities – many variations in mineral descriptions	New mineral titles restricted to: all M&M; coal; petroleum and natural gas; all M&M except those otherwise specifically mentioned

Legal Capacity to own land – dependent on staff check	Legal Capacity of bodies corporate determined by Corporations Branch
Trusts – not recognized by land titles system. Exceptions are estates and bankruptcies	Practice continued in the new LAND System
Lack of capacity by way of: infancy – noted on front of paper title; dependent adult legislation – noted on the back of paper title	Alternate authority – registered in the database and appear on Title Print (separate field – not an interest)
Transfer of Title	Surrender of old title, Set-up of new
Conditional Registration: Free and Clear or “subject to the following instruments....”	Conditional Registration: Free and Clear or according to the state of the title as of a specific date/time
Interest in land – restricted meaning	Interests include interests in land recognized at law, interests registrable pursuant to statute, and interests designated in the Regulations
Interest Registration – land titles staff check for proper form, proper authorization and that the interest is, on its face, valid	Interest Registration – does not speak to validity. Effect of registration is that it constitutes notice to third parties
Interests – Instrument Number applicable to all titles affected by the interest	Interest Register Number – the “group code” that the interest points to, regardless of the number of titles/interests affected Interest Number – the number assigned to the interest as it affects a single title (e.g., if interest is registered against 3 titles, there is one Interest Register # and 3 Interest #'s)
Interest Disclosure – legislation provides a general format (e.g., Form Q Mortgage, Form M Lease). The agreement constitutes the disclosure.	Interest Disclosure – disclosure is generally mandatory, but the extent of what is disclosed is up to the interest holder. Attaching the entire agreement is recommended but not mandatory. Where legislation has prescribed a form, the system checks to see that there is an attachment.
Postponement of an Interest – only applicable to specific encumbrances. Appeared as a separate endorsement on the Certificate of Title	Postponement – can be registered against most interests. Registered as an interest against the affected interests (i.e., a “sub-interest”).

Transfer of Interest – a separate endorsement on the Certificate of Title	Assignment of Interest – Application results in removal of assignor from current database and addition of the assignee
Discharge of Interest – reflected in the registry only with explicit action of land titles staff. Discharge fee	Discharge occurs automatically for those interests for which an expiry date was included when they were first registered. No fee – discharges are free.
Subdivision and consolidation	Transform – relates to the change in shape of parcel(s) → Plan must be approved by Controller of Surveys before titling can occur in the Land Titles Registry
Abstracts	Abstract Directory – works like a parallel registry for untitled land – for information purposes only (NO GUARANTEE)
General Record Attachment of writs upon name check against existing owner, new owner and mortgagor of title Writ binds land from time it is registered in the GR	Saskatchewan Writ Registry – writs and maintenance orders need to be registered in Saskatchewan Personal Property Registry before they can be registered against titles Auto-attach – name check against new owner only, or on interest set-up against name of interest holder Requested-attach – facilitated by way of Name Search – must quote Writ Registry # Writ binds land only from time it is registered against affected title
Searches – based on LLD only or by name in GR	Quick Search by Parcel #, Title #, Name, or LLD Search by any of the above, or by additional criteria (e.g., Interest #) Search of Writ Registry, Grants Database and Dockets
Condominiums – registration of plan to Land Titles Office creates the condominium corporation which means the plan was approved and triggers the creation of unit titles	Condominiums – plan must first be approved by Controller of Surveys (Plan Processing) prior to requesting titles; condominium corporation is created in Corporations Branch. Encumbrance sheet eliminated – registrations affecting all units are contained on the individual unit titles