



**Amendment to Remote Witnessing of Applications – *The Land Titles
Amendment Regulations, 2023***

Direction from the Registrar of Titles

February 21, 2023

On February 16, 2023, *The Land Titles Amendment Regulations, 2023* came into force. The new Regulations amend the remote witnessing provisions for Saskatchewan licensed lawyers and their clients. The purpose of this amendment is to accommodate instances where a lawyer remotely witnesses an application and either the lawyer or the person signing the application are hearing impaired.

The Regulations repeal and replace:

- section 27.1(1) with a new definition of “electronic means”; and
- section 27.1(3) to amend the requirement:
 - from: the lawyer being able at all times “to hear and see” the person signing the application;
 - to: the lawyer being able at all times to “see and effectively communicate” with the person signing the application.

The amended Regulations continue to allow remote witnessing only by lawyers admitted as a member of the Law Society of Saskatchewan who may witness the signing of applications remotely provided that the regulatory requirements are met.

The new provisions continue to require that the witnessing process occur in a single event occurring in “real time” via video transmission with the lawyer seeing the act of signing via wet-ink signature of the application for submission of the Registry. There must also be additional technological aspects that will permit the lawyer and the person authorizing the application to effectively communicate with each other, and the technology must be appropriate to the circumstances of the parties. It is recommended that parties continue to use sound where the parties do not have hearing impairments.

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Requirements for remote witnessing by electronic means

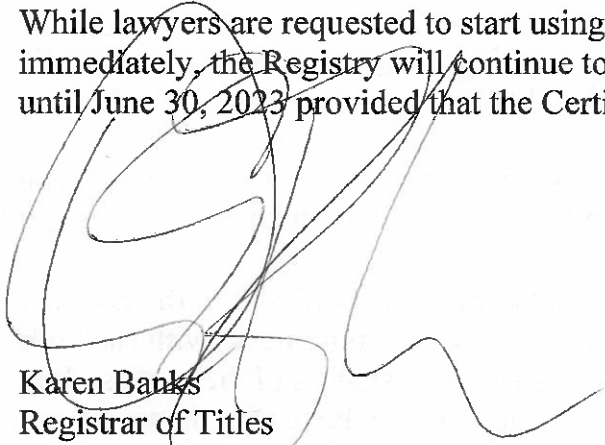
The core requirements for remote witnessing remain unchanged under the amendments. This includes:

- The prescribed witnessing and authorization actions must occur within a single session where the lawyer can at all times see the person signing the application via video transmission, and effectively communicate with that person.
- 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, the Registry will continue to accept the prior Certificate of Lawyer until June 30, 2023 provided that the Certificate is fully completed.


Karen Banks
Registrar of Titles
Senior Crown Counsel

