

1982 BILL 18

Fourth Session, 19th Legislature, 31 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 18

LAND TITLES AMENDMENT ACT, 1982

MR. KNAAK

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 18
Mr. Knaak

BILL 18

1982

LAND TITLES AMENDMENT ACT, 1982

(Assented to , 1982)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

1 The Land Titles Act is amended by this Act.

2 Section 30 is amended

*(a) in subsection (1) by striking out "or" at the end of clauses
(a.1) and (g), by repealing clause (h) and by substituting the fol-
lowing:*

*(h) incorporated under the *Bank Act* (Canada) or the *Rail-
way Act* (Canada), or*

(i) an agent of the Crown in right of Canada.

(b) by adding the following after subsection (4):

*(5) Notwithstanding subsections (1) to (4), the Registrar may
register a lien under the *Builders' Lien Act* by an extra-prov-
incial corporation that is not registered in Alberta.*

Explanatory Notes

1 This Bill will amend chapter L-5 of the Revised Statutes of Alberta 1980.

2 Section 30 presently reads in part:

30(1) The Registrar may reject any instrument or caveat under which an interest in land is claimed or dealt with on behalf of a corporation unless he is satisfied that the corporation is

(a) registered under the Companies Act,

(a.1) registered, incorporated or continued under the Business Corporations Act, or

(b) registered under the Trust Companies Act,

(c) licensed under the Insurance Act,

(d) registered under the Societies Act,

(e) registered under the Co-operative Associations Act,

(f) registered under the Credit Union Act,

(g) incorporated in Alberta by or pursuant to a public or private Act, or

(h) otherwise capable of holding land in Alberta.

(4) Except in respect of a corporation

(a) registered under the Trust Companies Act, or

(b) licensed under the Insurance Act,

a certificate of a solicitor who is a member of The Law Society of Alberta stating that the corporation is registered under the Companies Act, the Societies Act, the Co-operative Associations Act or the Credit Union Act, or is incorporated, continued or registered under the Business Corporations

3 *Section 48(1) is amended by striking out “within Alberta”.*

4 *Section 60 is repealed and the following is substituted:*

60 The Registrar may register in the Land Titles Office of a registration district a certified copy of any instrument that has been registered in the Land Titles Office of any other land registration district.

5 *Section 65(2) is amended*

(a) by striking out “Part 4 of the Irrigation Act” and substituting “Part 5 of the Irrigation Act”;

(b) in clause (b) by striking out “71(6)” and substituting “72(5)”.

6 *Section 68(3) is amended*

(a) by adding “and” at the end of clause (a);

(b) by striking out “and” at the end of clause (b);

(c) by repealing clause (c).

Act shall be sufficient to satisfy the Registrar in relation to the submission for registration or filing of the instrument or caveat to which the certificate is attached and of which it forms part.

3 Section 48(1) presently reads:

48(1) An owner or mortgagee of land for which a certificate of title has been granted shall deliver to the Registrar a memorandum in writing of some post office address within Alberta to which it shall be sufficient to mail all notices that under this Act are required to be sent to an owner or mortgagee.

4 Section 60 presently reads:

60 In case any instrument is registered in the Land Titles Office of one registration district a judge of the Court of Queen's Bench may order that a certified copy of the instrument be filed in the Land Titles Office of any other registration district, and the filing of the copy together with the order has the same effect as the registration of the original instrument.

5 Section 65(2) presently reads:

(2) Land mentioned in a certificate of title issued under the Tax Recovery Act, Part 4 of the Irrigation Act or Part 4 of the Drainage Districts Act, or in a certificate of title based on a foreclosure order, notwithstanding any other Act is, by implication and without any special mention therein, subject to

(a) any easement or incorporeal right a memorandum of which has been made under section 70 or 72,

(b) any instrument registered under section 71(6),

(c) any condition or covenant running with or annexed to the land and registered under section 52,

(d) any caveat protecting any such easement, incorporeal right, condition or covenant, duly filed, and

(e) a notice endorsed pursuant to section 11 of the City Transportation Act,

if the registration, endorsement or filing, as the case may be, was made prior to the registration of the judge's adjudication on the rate enforcement return under the Irrigation Act or the Drainage Districts Act, or to the date of the mortgage with respect to which a foreclosure order was made, as the case may be.

6 Section 68(3) presently reads in part:

(3) A transfer made pursuant to subsection (1) or an instrument made pursuant to subsection (2) shall

(c) contain a memorandum of each lease, mortgage or other encumbrance to which the land is subject.

7 *Section 83 is amended*

(a) *in subsection (1) by striking out “An owner” and substituting “Subject to section 83.1, an owner”;*

(b) *by repealing subsection (6) and substituting the following:*

(6) Except for

(a) a plan of subdivision or other instrument under section 80 of the *Planning Act*,

(b) a plan of subdivision prepared pursuant to a replotting scheme under the *Planning Act*,

(c) a plan of subdivision signed by the Minister of Municipal Affairs pursuant to section 149 of the *Planning Act* relating to an Innovative Residential Development Area, or

(d) a plan of subdivision, other than a condominium plan, in which there is no dedication of land for roads, reserves or other public purposes,

the original plan shall be signed by each person shown on the certificate or certificates of title for the land in the plan of subdivision as having a registered interest in the land or a caveat registered against the land other than a caveat in respect of a writ of execution or a mortgage of an easement, and certified in the prescribed form by an Alberta land surveyor.

(6.1) A plan of subdivision, other than a condominium plan, in which there is no dedication of land for roads, reserves or other public purposes need only be signed by the registered owner of the estate being subdivided, and certified in the prescribed form by an Alberta land surveyor.

(6.2) A person, other than the registered owner or the Alberta land surveyor, whose signature is required on a plan of subdivision may, instead of signing the plan, sign a consent in the prescribed form.

(6.3) Where a required signature cannot be obtained or is being unreasonably withheld, an application by originating notice may be made to the court for an order that the signature is not required on the plan of subdivision.

8 *The following is added after section 83:*

83.1(1) The Registrar may

(a) prepare a descriptive plan for a parcel of land described in a certificate of title by a metes and bounds description, or

7 Section 83(1) and (6) presently read:

83(1) An owner subdividing land for which a certificate of title has been granted, for the purpose of selling or conveying it in allotments shall deposit with the Registrar a plan of survey of the land, together with 2 copies thereof.

(6) The original plan shall be signed by the owner or his agent, or if the owner is a corporation, in the manner specified in section 151, and certified in black India ink in the prescribed form by an Alberta land surveyor, and the signature of the owner shall be witnessed and attested in the manner provided by this Act for the attestation of instruments to be registered under this Act.

8 Descriptive plans.

(b) instead of requiring a plan of survey under section 76, require an owner to have a descriptive plan prepared by an Alberta land surveyor.

(2) Where a subdivision is to be effected and the Registrar is of the opinion that the circumstances do not justify the preparation of a plan of survey, the Registrar may require the owner of the land being subdivided to have a descriptive plan prepared by an Alberta land surveyor.

(3) A descriptive plan shall

(a) be prepared only with the prior approval of the Registrar,

(b) be described in the plan as a descriptive plan,

(c) be drafted in a manner satisfactory to the Registrar on material and in ink approved by the Registrar,

(d) contain those details that in the opinion of the Registrar will enable the boundaries of the parcels to be ascertained from the plan,

(e) if the plan is prepared by an Alberta land surveyor, be signed by the Alberta land surveyor preparing the plan, and

(f) if the plan effects a subdivision, be signed by the registered owner of the estate being subdivided.

(4) A metes and bounds description in a certificate of title with respect to which a descriptive plan is prepared under this section shall be replaced with a reference to the descriptive plan and the use of the metes and bounds description in any registered instrument or caveat shall be deemed to be a reference to the descriptive plan.

9 *Section 85 is repealed and the following is substituted:*

85 No instrument or caveat shall be registered in contravention of the *Planning Act* or the regulations under that Act, but a registration made in contravention of this section is not voidable as against a person who in good faith has acquired rights for value in the subdivided land.

10 *Section 86 is repealed.*

9 Section 85 presently reads:

85 No plan of subdivision of land shall be registered unless the subdivision complies in all respects with the Planning Act and the regulations thereunder, but a registration made in contravention of this section does not invalidate a subdivision effected by that registration.

10 Consequential to section 6 of this Bill. Section 86 presently reads:

86 Except for

(a) a plan of subdivision or other instrument under section 80 of the Planning Act,

(b) a plan of subdivision prepared pursuant to a replotting scheme under the Planning Act, or

11 *The following is added after section 92:*

92.1(1) Where a parcel of land has a water boundary and the water boundary has changed, the registered owner of the parcel may apply to the Registrar to have the description of the parcel amended to include accreted land.

(2) An application under subsection (1) shall be accompanied by

(a) a certificate from the Minister charged with the administration of the *Public Lands Act* or a person authorized by him certifying that the Crown does not claim ownership of the accreted land,

(b) a plan of survey or other evidence satisfactory to the Registrar showing the present boundary of the accreted land, and

(c) the consent of the registered owners of other parcels that may be affected by the amendment of the description, unless the Registrar is of the opinion that those owners will not be prejudiced.

12 *Section 94(1) is repealed and the following is substituted:*

94(1) On the filing in the Land Titles Office of a notification or the plans of survey of any land taken for any public work under the *Public Works Act* or the *Municipal Government Act* or of a certificate of approval in respect of any land taken for any work under the *Expropriation Act*, the land shown on the notification or plans of survey or in the certificate of approval, so far as it is not Dominion land, vests in the Crown in right of Alberta, the municipality or other authority, as the case may be, subject to the right of any person who has acquired any interest in the land to compensation for his interest.

13 *Section 95 is repealed and the following is substituted:*

95 When the notification, plan of survey or certificate of approval referred to in section 94 is forwarded to the Registrar of the proper Land Titles Office, the Registrar shall

(a) file the notification, plan or certificate,

(c) a plan of subdivision signed by the Minister of Municipal Affairs pursuant to section 149 of the Planning Act relating to an innovative residential development area,

no plan of subdivision of any encumbered land shall be registered unless it is approved and signed by the one or more encumbrancees.

11 Registration of title to accretions.

12 Section 94(1) presently reads:

94(1) On the filing in the Land Titles Office of a notification or the plans of survey of any land taken for any public work under the Public Works Act or of a certificate of approval in respect of any land taken for any public work under the Expropriation Act, the land shown on the notification or plans of survey or in the certificate of approval, so far as it is not Dominion land, vests in the Crown in right of Alberta, subject to the right of any person who has acquired any interest in the land to compensation for his interest.

13 Section 95 presently reads:

95(1) When a plan of survey mentioned in section 94 is forwarded to the Registrar of the proper Land Titles Office, the Registrar shall call in the duplicate certificates of title for all patented land affected thereby in the manner set forth in section 177.

(b) cancel the area taken, as shown on the plan or described in the notification or certificate of approval, from the original certificates of title in his office,

(c) issue in fee simple free from all encumbrances a certificate of title for the area taken to the Crown in right of Alberta, the municipality or other authority, as the case may be, except in the case of roads and public highways, in which case certificates of title need not be issued, and

(d) call in for amendment or cancellation the duplicate certificates of title for all the affected land.

14 The following is added after section 106:

106.1(1) Subject to section 9 of the *Builders' Lien Act*, a mortgage or encumbrance or a caveat claiming an interest pursuant to a mortgage or encumbrance obtains priority in accordance with section 16 of this Act upon registration for all advances or obligations secured pursuant to the terms of the mortgage or encumbrance, notwithstanding that they are made or incurred subsequent to the registration after this section comes into force of any other instrument or caveat.

(2) If a mortgagee refuses to make, or a mortgagor has a right to refuse to accept or be bound by, any further advances that would be secured under subsection (1), the mortgagee shall, on the request of the mortgagor, provide an appropriate partial discharge of the mortgage.

15 Section 122 is amended

(a) *by repealing subsection (1) and substituting the following:*

122(1) The Registrar may register a copy of a subsisting execution or other writ affecting land if the copy is certified by the sheriff under his hand and seal of office.

(b) *in subsection (7) by striking out "by a sheriff".*

(2) If the registered owner refuses or neglects to return the duplicate certificate of title within 30 days after the demand has been mailed to him, the Registrar shall

(a) proceed to file the plan,

(b) cancel the area required for the public work as shown on the plan from the original certificates in his office and from the duplicates that may have been or may otherwise be returned to him, and

(c) issue, in fee simple free from all encumbrances, a certificate of title for the area required for the public work to Her Majesty in right of Alberta and forward the duplicate thereof to the Minister of Housing and Public Works, except in the case of roads and public highways shown on a registered plan of survey in which case certificates of title need not be issued.

14 Priority for advances and obligations secured by mortgages and encumbrances.

15 Section 122(1) and (7) presently read:

122(1) The sheriff, or any qualified officer, after the delivery to him of an execution or other writ affecting land, if a copy of the writ has not already been delivered or transmitted to the Registrar, shall, on payment to him of 50¢ by the execution creditor named therein, if the writ is in force, forthwith deliver or transmit by registered letter to the Registrar a copy of the writ and of all endorsements thereon certified under his hand and seal of office, if any.

(7) A writ of execution a copy of which is transmitted to a Registrar by a sheriff is effectual as hereinbefore provided with respect to land belonging at any time during the currency of the writ to the execution debtor and situated anywhere within the land registration district, whether or not the land is within the judicial district of the sheriff to which the writ is directed and whether or not the judicial district is within the land registration district of the Registrar to which a copy of the writ has been transmitted.

16 *Section 123 is repealed and the following is substituted:*

123 On the production to the Registrar of a judge's order or evidence from the sheriff showing the expiration, satisfaction or withdrawal of a writ as against all or a portion of the land bound by the writ, the Registrar shall make a memorandum on the certificate of title to that effect if the land has been brought under this Act and, if not, on or opposite to the entry of the writ in the execution register, and the land or portion of land, as the case may be, shall be deemed to be absolutely released and discharged from the writ.

17 *Section 128 is repealed and the following is substituted:*

128(1) When a woman who is the owner of an interest in land marries and adopts the surname of her husband, the Registrar may make a memorandum of the change of name on the appropriate certificate of title on production of an affidavit by the woman verifying the date of the marriage, the place where the marriage was solemnized and her husband's full name accompanied by the duplicate certificate of title and by an official certificate of the marriage or any other evidence that the Registrar may require to substantiate the particulars of the marriage.

(2) If a married or formerly married woman is the owner of an interest in land and uses, instead of the surname of her husband or former husband, her maiden name or a hyphenated surname that incorporates her maiden surname and the surname of her husband or former husband, the Registrar may make a memorandum of the change of name on the appropriate certificate of title on production of an affidavit by the woman verifying the surname that she uses and accompanied by the duplicate certificate of title and an official certificate of the marriage or any other evidence that the Registrar may require to substantiate identity.

18 *Section 130 is amended*

(a) *in clause (b) by striking out "provisons" and substituting "provisions";*

(b) *by striking out "or instrument, as the case may be,".*

16 Section 123 presently reads:

123 On the satisfaction or withdrawal from his hands of any writ, the sheriff or other qualified officer shall on payment to him of his proper fee forthwith transmit to the Registrar a certificate under his official seal, if any, to that effect, and on the production and delivery to the Registrar of the certificate, or of a judge's order, showing the expiration, satisfaction or withdrawal of the writ as against the whole or any portion of the land so bound, the Registrar shall make a memorandum on the certificate of title to that effect if the land has been brought under this Act, and, if not, on or opposite to the entry of the writ in the execution register, and thenceforth the land of the debtor or portion of land, as the case may be, shall be deemed to be absolutely released and discharged from the writ.

17 Section 128 presently reads:

128 On production to the Registrar of a duplicate certificate of title issued to a female, accompanied with a statement in writing of her marriage and giving the date of the marriage, the place where solemnized, and her husband's full name with his residence and occupation, verified by oath or affirmation and the production of a certificate of the marriage by the person who solemnized it, and any further evidence the Registrar requires or on production to the Registrar of such evidence as would be sufficient to establish the marriage in any court in Alberta, and on an application to the Registrar to grant a new certificate of title, he shall file the documents produced and shall make a memorandum of each of the facts established, and shall thereupon cancel the existing certificate of title and the duplicate thereof and grant a new certificate of title to the applicant owner in her newly acquired surname, in which her husband's full name, residence and occupation shall be given, and issue to her a duplicate certificate.

18 Section 130 presently reads:

130 A person claiming to be interested in land for which a certificate of title has been issued or in a mortgage or encumbrance relating to that land

(a) pursuant to

(i) a will, settlement or trust deed,

(ii) an instrument of transfer or transmission,

(iii) an unregistered instrument, or

(iv) an execution where the execution creditor seeks to affect land in which the execution debtor is interested beneficially but the title to which is registered in the name of some other person,

19 *Section 131 is amended*

(a) *in subsection (1) by striking out “within Alberta”;*

(b) *in subsection (2) by adding “, except in the case of a caveat filed by the Registrar as hereinafter provided,” after “Every caveat”.*

20 *Section 132(2) is amended by striking out “setting forth in full the new address for service on the caveat filed with the Registrar” and substituting “on the certificate of title affected by the caveat”.*

21 *Section 133 is repealed and the following is substituted:*

133(1) If in any caveat presented for registration a caveator claims to be interested under an unregistered mortgage or an

(b) by virtue of the provisions of any Act of Alberta under which that person acquired any right with respect to that land, mortgage or encumbrance, or

(c) by virtue of

(i) having acquired through the owner or any prior owner thereof, otherwise than under clause (a) or (b), an interest in that land, mortgage or encumbrance after the first certificate of title was issued for that land,

(ii) being the owner or previous owner of an interest in that land, otherwise than under clause (a) or (b), when that interest arose after the first certificate of title was issued for that land, or

(iii) being the owner or a previous owner of the mortgage or encumbrance, otherwise than under clause (a) or (b),

may cause to be filed with the Registrar a caveat on his behalf in the prescribed form against the registration of any person as transferee or owner of, or any instrument affecting, the estate or interest, unless the certificate of title or instrument, as the case may be, is expressed to be subject to the claim of the caveator.

19 Section 131 presently reads:

131(1) Every caveat filed with the Registrar shall state the name and addition of the person by whom or on whose behalf it is filed and, except in the case of a caveat filed by the Registrar as hereinafter provided, shall be signed by the caveator, his attorney or agent and shall state some address or place within Alberta at which notices and proceedings relating to the caveat or the subject matter thereof may be served and the nature of the interest claimed and the grounds on which the claim is founded.

(2) Every caveat shall be supported by an affidavit

(a) that in the belief of the deponent the person by whom or on whose behalf the caveat is filed has a good valid claim in respect of the land, mortgage or encumbrance intended to be affected by it, and

(b) that the caveat is not filed for the purpose of delaying or embarrassing the applicant, or owner, or any person claiming through him,

and the affidavit may be in the prescribed form.

20 Section 132(2) presently reads:

(2) On receipt of a notice of change of address for service, in the prescribed form or to the like effect, and his proper fee, the Registrar shall enter the notice in the day book and shall make a memorandum thereof setting forth in full the new address for service on the caveat filed with the Registrar.

21 Section 133 presently reads:

133(1) If in a caveat presented for registration a caveator claims to be interested under an unregistered mortgage, he shall either attach to the

unregistered encumbrance other than a writ of execution or an encumbrance securing an annuity or rent charge, he shall state in the caveat

(a) the amount for which the mortgage was given,

(b) the maximum amount for which the encumbrance was given, or

(c) that the maximum amount for which the encumbrance was given is not known or ascertainable.

(2) The fees payable for registration of the caveat shall be the same as if a mortgage or encumbrance for an equivalent amount were being registered.

22 *Section 135 is repealed and the following is substituted:*

135 So long as a caveat remains in force an instrument registered subsequent to the caveat and purporting to affect the land, mortgage or encumbrance in respect of which the caveat is lodged is subject to the claim of the caveator.

23 *The following is added after section 135:*

135.1(1) A caveat may be transferred by a caveator, or by his attorney or agent where the caveat is signed by the attorney or agent, and on registration of a transfer of the caveat the transferee has the same priority as if he were the original caveator.

(2) On registration of a transfer of caveat the transferee becomes entitled to all rights granted by this Act to the caveator and subject to all liabilities imposed by this Act on the caveator.

(3) A transfer of caveat shall specify an address at which notices and proceedings relating to the caveat or the subject matter of the caveat may be served.

24 *Section 136 is amended by striking out “at any time, and the Registrar shall forthwith give notice in writing of the withdrawal by mail or otherwise to the caveatee”.*

25 *The following is added after section 148:*

148.1 The Registrar shall cancel the registration of a certificate of *lis pendens* on receiving

caveat a copy of the mortgage or state in the caveat the amount for which the mortgage was given.

(2) The fees payable for registration of the caveat and for the assurance fund shall be the same as if the mortgage under which the caveator claims to be interested were being registered.

22 Section 135 presently reads:

135 So long as a caveat remains in force the Registrar shall not register an instrument purporting to affect the land, mortgage or encumbrance in respect of which the caveat is lodged, unless the instrument is expressed to be subject to the claim of the caveator.

23 Transfer of caveats.

24 Section 136 presently reads:

136 The caveator or, if the caveat is signed by his attorney or agent, the attorney or agent may by notice in writing to the Registrar withdraw his caveat at any time, and the Registrar shall forthwith give notice in writing of the withdrawal by mail or otherwise to the caveatee.

25 Cancellation of certificate of lis pendens.

(a) a certificate under seal of the clerk of the court stating that proceedings for which the certificate of lis pendens was granted are discontinued, or

(b) a withdrawal of the certificate of lis pendens signed by the person on whose behalf the certificate was registered.

26 *Section 151 is amended by adding the following after subsection (1):*

(1.1) Subsection (1) does not apply to instruments executed by a Minister of the Crown or by a person authorized by him to execute the instruments.

27 *The following is added after section 180:*

180.1(1) The Registrar shall not register a judgment, order or certificate, other than an injunction, made in any proceedings of a court unless the judgment, order or certificate

(a) is consented to by all the parties to the proceedings or their solicitors,

(b) was granted ex parte and states that it does not have to be served on any person,

(c) is accompanied by a written undertaking from those persons having a right to appeal from the judgment, order or certificate, or their solicitors, that no appeal from the judgment, order or certificate will be commenced,

(d) is accompanied by a certificate of the clerk of the court that issued the judgment, order or certificate to the effect

(i) that no defence or demand of notice of proceedings has been filed in the proceedings on behalf of any defendant, or

(ii) that the time for appeal from the judgment, order or certificate has expired and that no notice of appeal has been filed,

or

(e) is accompanied by a certificate of a solicitor to the effect

26 Section 151(1) presently reads:

151(1) Other than notification referred to in section 32, instruments under the seal of any corporation, caveats, orders of a court or judge, executions, or certificates of any judicial proceedings, attested as such, every instrument executed within the limits of Alberta and requiring to be registered under this Act shall be witnessed by one person, who shall sign his name to the instrument as a witness and who shall appear before the Inspector or Assistant Inspector of Land Titles Offices or the Registrar or Deputy Registrar of the registration district in which the land is situated, or before a judge, provincial judge, notary public, commissioner for taking affidavits, or a justice of the peace in or for Alberta, and make an affidavit in the prescribed form.

27 Registration of judgment, order or certificate.

(i) that an appeal to the Court of Appeal has been finally disposed of or discontinued, that the time for an appeal to the Supreme Court of Canada has expired and that no notice of appeal has been filed, or

(ii) that the judgment, order or certificate has been appealed to the Supreme Court of Canada and that the appeal has been finally disposed of or discontinued.

(2) If a judgment, order or certificate referred to in subsection (1) has been appealed to the Court of Appeal or to the Supreme Court of Canada, a copy of the final judgment shall accompany the solicitor's certificate referred to in clause (e) of that subsection.

28 *Section 189 is repealed and the following is substituted:*

189 On production to the Registrar of satisfactory proof, by statutory declaration by the person to whom a duplicate certificate has been issued or by someone having knowledge of the facts, of the accidental loss or destruction of the duplicate certificate issued, the Registrar may issue a new duplicate certificate in place of the one lost or destroyed.

29 *Section 205(2) is amended by striking out "When the person filing such a notice is a corporation, the notice may be general, and in all other cases the" and substituting "The".*

30 *The Law of Property Act is amended by repealing sections 20 and 44(2).*

31(1) *Except for sections 5 and 19(b), this Act comes into force on Proclamation.*

(2) *Sections 5 and 19(b) shall be deemed to have come into force when the Revised Statutes of Alberta 1980 came into force.*

28 Section 189 presently reads:

189(1) On production to the Registrar of satisfactory proof by statutory declaration by the person to whom a duplicate certificate has been issued or by someone having knowledge of the facts, of the accidental loss or destruction of the duplicate certificate issued, the Registrar, having published a notice of his intention to do so, in the newspaper published nearest the land described in the register or if more newspapers than one are published in the same locality then in one of those newspapers, and in a conspicuous place in the Land Titles Office for 4 weeks, and having entered in the register the facts as proven, may issue a fresh duplicate certificate in lieu of the one lost or destroyed, noting on it why it is so issued.

(2) The publication of the notice in a newspaper or of any notice may be dispensed with if the Registrar is satisfied as to the loss or destruction of the duplicate certificate issued and that notice of the issue of another duplicate certificate in lieu of the lost or destroyed certificate in a newspaper or otherwise is unnecessary.

29 Section 205(2) presently reads:

(2) When the person filing such a notice is a corporation, the notice may be general, and in all other cases the notice shall contain a description of the land in which the person claims to be interested, and has effect only as to the land mentioned therein.

30 Consequential amendment to chapter L-8 of the Revised Statutes of Alberta 1980.