

1988 BILL 52

Third Session, 21st Legislature, 37 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 52

LAND TITLES AMENDMENT ACT, 1988

MR. SCHUMACHER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 52
Mr. Schumacher

BILL 52

1988

LAND TITLES AMENDMENT ACT, 1988

(Assented to _____, 1988)

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 1 is amended*

(a) *by repealing clause (b) and substituting the following:*

(b) “certificate of title” means the record of the title to land that is maintained by the Registrar;

(b) *by repealing clause (e) and substituting the following:*

(e) “duplicate certificate” or “duplicate certificate of title” means a document, in the prescribed form, issued by the Registrar that sets forth all the information contained on the certificate of title;

(c) *by repealing clause (i) and substituting the following:*

(i) “endorsed” and “endorsement” apply to anything entered, printed, stamped or written on an instrument or caveat or on any paper attached to it by the Registrar;

(d) *in clause (l)(iii) by striking out “188” and substituting “76”.*

3 *Section 2 is amended by renumbering it as section 2(1) and by adding the following after subsection (1):*

(2) An instrument or caveat shall be registered or filed, as the case may be, in the land registration district within which the land to which the instrument or caveat relates is situated unless otherwise authorized by regulation.

4 *Sections 6 and 7 are repealed and the following is substituted:*

6 In accordance with the *Public Service Act* there may be appointed for each Land Titles Office

(a) an officer to be known as the “Registrar of Titles”,

Explanatory Notes

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

2 Section 1 presently reads in part:

1 In this Act,

(b) "certificate of title" means the certificate, in the prescribed form, granted by the Registrar and entered and kept in the register;

(e) "duplicate" or "duplicate certificate" means the duplicate, delivered or issued to the person entitled thereto, of the certificate of title in the register;

(i) "endorsed" and "endorsement" apply to anything written on an instrument or on any paper attached thereto by the Registrar;

(l) "instrument" means

(i) a grant, certificate of title, conveyance, assurance, deed, map, plan, will, probate or exemplification of will, letters of administration, or an exemplification thereof, mortgage or encumbrance,

(ii) a judgment or order of a court,

(iii) an application under section 188, or

(iv) any other document in writing relating to or affecting the transfer of or dealing with land or evidencing title thereto;

3 Section 2 presently reads:

2 For the purposes of this Act there shall be in Alberta 2 land registration districts, respectively known and described as follows:

(a) "North Alberta Land Registration District", being composed of all that portion of Alberta lying to the north of the 9th correction line;

(b) "South Alberta Land Registration District", being composed of all that portion of Alberta lying to the south of the 9th correction line.

4 Sections 6 and 7 presently read:

6(1) The business of each Land Titles Office shall be conducted by an officer called the "Registrar of Titles".

(2) In accordance with the Public Service Act there may be appointed for each land registration district a Registrar of Titles, a Deputy Registrar,

- (b) one or more Deputy Registrars.
- (c) one or more Assistant Deputy Registrars, and
- (d) any other employees,

as required for the purposes of administering the Land Titles Office.

5 *Section 11 is repealed and the following is substituted:*

11 Each Registrar shall have a seal of office that may be printed, stamped or otherwise reproduced on documents that are required to be sealed under this Act.

6 *The following is added after section 15:*

15.1 Where records are required to be kept under this Act, the Registrar may keep those records

- (a) in written form,
- (b) by any graphic, photographic, magnetic or electronic means, or
- (c) by any other means or combination of means,

as the Registrar considers appropriate.

7 *Section 16 is amended*

(a) in subsection (2) by striking out “stamp the instrument or caveat with” and substituting “endorse on the instrument or caveat”;

(b) by repealing subsections (3) and (4).

8 *Section 17(2) and (3) are repealed.*

one or more Assistant Deputy Registrars and any other employees required for the purposes of the administration of the Land Titles Office for that district.

5 Section 11 presently reads:

11 Each Registrar shall have a seal of office, approved by the Lieutenant Governor in Council, with which he shall seal all certificates of title.

6 Keeping of records.

7 Section 16 presently reads in part:

16(1) The Registrar shall keep a daily record which shall contain particulars of every instrument and caveat accepted by the Registrar for filing or registration.

(2) The Registrar shall cause each instrument or caveat received by him for filing or registration to be examined and if it is found to be complete and in the proper form and fit for filing or registration, the Registrar shall stamp the instrument or caveat with the serial number assigned to it and the date on which the serial number is assigned.

(3) The Registrar shall enter a record of each stamped and signed instrument or caveat in the daily record.

(4) The Registrar in endorsing memoranda of instruments or caveats on a certificate of title and in entering memoranda on duplicate certificates shall take the serial number and date from the daily record and shall sign the memoranda and the certificate or duplicate certificate on which the endorsement or entry is made.

8 Section 17(2) and (3) presently read:

(2) The Registrar may remove any or all certificates of title from the register in which they were heretofore required to be entered and on removal each certificate of title shall be kept in a manner prescribed by the regulations.

(3) The Registrar shall keep a register called the "general register"

(a) in which shall be entered a record of all copies of writs of execution and other registrable instruments that charge generally or that bind in the same manner as a writ the property interests of a person, and

(b) that shall show in alphabetical order the names of the persons whose land is affected by writs of execution and other instruments entered in the general register.

9 *The following is added after section 17:*

17.1(1) The Registrar shall keep a register called the “general register”

(a) in which shall be entered a record of all copies of writs of execution and other registrable instruments that

(i) charge generally, or

(ii) bind in the same manner as a writ of execution,

the property interests of a person, and

(b) that shall set out in alphabetical order the names of the persons whose land is affected by writs of execution and other instruments entered in the general register.

(2) Notwithstanding this or any other Act, no writ of execution or other instrument referred to in subsection (1) that is presented to the Registrar after the coming into force of section 17.3,

(a) shall be recorded in the general register, or

(b) shall charge or have any binding effect on any land in which the debtor has an interest unless a memorandum of the writ of execution or other instrument has been endorsed on the certificate of title for that land.

(3) During the 3 years after the coming into force of section 17.3, the creditor who is named in a writ of execution or other instrument that is recorded in the general register may, in respect of land specified by the creditor as land in which the debtor has an interest, require the Registrar to endorse a memorandum of the writ of execution or other instrument on the certificate of title for that land.

(4) After the coming into force of section 17.3, a person

(a) presenting to the Registrar for registration a writ of execution or other instrument referred to in subsection (1), or

(b) requiring the Registrar under subsection (3) to endorse a memorandum on a certificate of title,

shall provide to the Registrar a statement in the prescribed form setting out the land in which the debtor has an interest and the debtor's interest in the land.

(5) After the coming into force of section 17.3, when the Registrar

(a) accepts a writ of execution or other instrument referred to in subsection (1) for registration, and

(b) is provided with a statement referred to in subsection (4)

the Registrar shall endorse a memorandum of the writ of execution or other instrument on the certificate of title to the land specified by the creditor.

(6) At any time after the registration of a writ of execution or other instrument under subsection (5), the creditor may, on providing to the Registrar a statement referred to in subsection (4), require the Registrar to endorse a memorandum of the writ of

9 Registration of writs of executions and other instruments.

execution or other instrument on the certificate of title for other land in which the debtor has an interest.

(7) On making a memorandum on a certificate of title under subsection (3), (5) or (6), the Registrar shall forthwith send by mail addressed to

- (a) the registered owner of the land at the address stated on the certificate of title, and
- (b) the debtor, if the debtor is not the registered owner of the land, at the address provided by the creditor,

a notice of the writ of execution or other instrument and of the debtor's interest in the land.

(8) Where a memorandum of a writ of execution or other instrument referred to in subsection (1) or a caveat protecting either of them is endorsed on a certificate of title,

- (a) in the case of a writ of execution, all legal and equitable interests of the debtor in the land included in the certificate of title are bound by the writ of execution, and
- (b) in the case of an instrument, the interests of the debtor in the land included in the certificate of title are bound or charged in accordance with the Act that authorized registration of the instrument,

during the period of time that the writ of execution or other instrument is in force.

(9) If the obligation in respect of which a writ of execution or other instrument referred to in subsection (1) was registered has been satisfied, the creditor shall furnish the debtor with a registrable discharge of that writ of execution or that other instrument, as the case may be.

(10) A creditor who, without reasonable cause, files or continues the registration of a writ of execution or other instrument referred to in subsection (1) is liable to make compensation to any person who has sustained damage thereby.

(11) During the 3 years after the coming into force of section 17.3, sections 65(1)(e), 122(2), (2.1), (3), (7) and (9), 122.1, 124 and 124.1 apply only to writs of execution or other instruments recorded in the general register.

(12) Notwithstanding this or any other Act, on the expiry of 3 years after the coming into force of section 17.3,

- (a) the general register shall cease to exist, and
- (b) subject to subsection (8), any writ of execution or other instrument that is recorded in the general register ceases to charge or have any binding effect on any land in which the debtor has an interest.

17.2(1) Every writ of execution or other instrument referred to in section 17.1 registered against any land shall be lapsed by the Registrar on an application made to the Registrar after the expiration of 60 days after notice, in the prescribed form, to take proceedings in court has been either

- (a) served on the creditor as process is usually served, or

(b) sent by registered mail to the creditor at or to the address stated in the writ of execution or other instrument or if a notice of change of address for service has been filed with the Registrar then at or to the address stated in the last notice of change of address for service filed in the Land Titles Office,

unless the creditor takes proceedings in court by originating notice, subject to the Alberta Rules of Court, or otherwise, to substantiate the interest claimed by the creditor and a certificate of lis pendens in the prescribed form has been filed with the Registrar.

(2) Notwithstanding subsection (1), the court may on an ex parte application shorten the period of 60 days to a period it specifies in the order, and a copy of the order shall be served or mailed with the notice.

(3) The service of notice shall be proved to the satisfaction of the Registrar.

(4) No writ of execution or other instrument referred to in section 17.1 shall be lapsed pursuant to subsection (1) unless the person who caused the notice to be served proves to the satisfaction of the Registrar that he has an interest in the land against which the writ of execution or other instrument was registered.

17.3 The Registrar shall maintain a record that will enable him to provide a list of land owned by persons who have the same name as a person specified in a request made to the Registrar for a search under section 18.

10 Section 18 is repealed and the following is substituted:

18 The Registrar shall, on request and payment of the prescribed fee, furnish a search of the information contained in the register.

11 Section 19(4) is repealed.

12 Section 20 is repealed and the following is substituted:

20(1) The Registrar shall, by any method he considers appropriate, keep a duplicate record of the following:

- (a) a certificate of title when it is removed from the register;
- (b) a new certificate of title when it is issued;
- (c) a certificate of title after a memorandum is endorsed on it;
- (d) an instrument or caveat accepted for filing or registration, after the memorandum of the filing or registration has been entered on the certificate of title.

(2) Where a duplicate record has been made of an instrument or caveat, the original instrument or caveat may be destroyed after such period of time as may be prescribed by regulation.

10 Section 18 presently reads:

18 A certificate of title kept under section 17 shall not be open to inspection by the public except with the consent of the Registrar but the Registrar shall on request and payment of the prescribed fee furnish to a person desiring to inspect a certificate of title an exact copy of the certificate of title.

11 Section 19(4) presently reads:

(4) The certificate of title so removed shall be kept separately from the register and shall not be open to inspection except pursuant to the order of a court.

12 Section 20 presently reads:

20(1) The Registrar shall microphotograph

- (a) every certificate of title when it is removed from the register,*
- (b) every new certificate of title when it is issued,*
- (c) every certificate of title mentioned in clause (a) or (b) immediately after a memorandum is endorsed thereon, and*
- (d) every*
 - (i) caveat, and*
 - (ii) instrument, other than a plan of survey,*

accepted for filing or registration, after the memorandum of the filing or registration has been entered on the title and signed by the Registrar.

(2) The microphotographic films may be kept at a place or places that may be designated by the Attorney General.

13 Section 21 is repealed and the following is substituted:

21(1) Where the Registrar is satisfied that an instrument or caveat has been destroyed, is lost or cannot be found, the Registrar may refer to

(a) the records kept under section 20, and

(b) the other records kept in the Land Titles Office,

and create a substitute for or a copy of the instrument or caveat based on the information contained in those records.

(2) Where a substitute for or a copy of the instrument or caveat is made under subsection (1), it has, without further proof, the same force and effect as the original instrument or caveat.

14 Section 22 is repealed and the following is substituted:

22(1) When the Registrar

(a) is required to produce an instrument or caveat, and

(b) certifies that he is unable to produce the instrument or caveat by reason that it has been destroyed, is lost or cannot be found and another record of the instrument or caveat has not been made,

a person having an interest in the land affected by the instrument or caveat may apply by an originating notice to the court for an order dealing with the instrument or caveat in such a manner as the court considers appropriate.

(2) The originating notice referred to in subsection (1) shall be served on those persons and in such a manner as the court directs.

15 Section 24 is repealed.

13 Section 21 presently reads:

21(1) When the Registrar is satisfied that a certificate of title has been destroyed or lost or cannot be found he may, if the certificate of title has been microphotographed, refer to the microphotographic film thereof or to a print therefrom and to the other records of the Land Titles Office and then issue a new certificate of title based thereon which shall be marked "Substitute Certificate of Title".

(2) Notwithstanding anything in this Act or any other statute, a new certificate of title issued under subsection (1) shall for all purposes be the certificate of title to the land therein described and has the same force and effect as the original certificate of title.

(3) When the Registrar is satisfied that any instrument filed or registered in the Land Titles Office, other than a certificate of title or duplicate certificate of title, has been destroyed or lost or mislaid he may, if the instrument has been microphotographed, certify that an enlarged print from the microphotographic film of the instrument is a copy thereof, and thereupon the print, without further proof, has the same force and effect as the original instrument.

14 Section 22 presently reads:

22 When the Registrar is required to produce an instrument and is unable to do so by reason of its having been lost, mislaid or destroyed and not having been microphotographed, he shall furnish to the court or person requiring production of the instrument his certificate under seal stating that the instrument has been lost, mislaid or destroyed, as the case may be, and has not been microphotographed, and thereupon any memorandum, entry or record produced by him shall to the extent that it purports to show the nature and contents of the instrument that has been lost, mislaid or destroyed be received as evidence of the nature and contents thereof.

15 Section 24 presently reads:

24(1) A Registrar shall, when required, furnish under seal a general register certificate in the prescribed form.

(2) A general register certificate shall not disclose an instrument registered in the general register where there is a material difference between the name in the instrument and the name to be searched as set forth in the request for the certificate.

(3) For the purpose of this section and sections 122, 130 and 171, there is a material difference in names where

(a) the surnames are not identical,

(b) there is not any given name in one name that is identical to or a commonly used variation of any given name in the other name,

(c) one name contains the same number of given names as the other name but one of the given names in one name is not identical to or a commonly used variation of any of the given names in the other name, or

(d) one name contains fewer given names than the other name but one of the given names in the name with the fewer given names is not

16 *Section 24.1 is repealed and the following is substituted:*

24.1(1) A Registrar shall, on request and payment of the prescribed fee, furnish a reproduction of any instrument or caveat.

(2) Notwithstanding subsection (1), if a reproduction of an instrument or caveat cannot be made, the Registrar may furnish a document setting forth such information contained in the instrument or caveat as is available to the Registrar.

17 *Section 25 is amended*

(a) *in subsection (1)*

(i) *by striking out “, signed by the Registrar”;*

(ii) *by striking out “entered” and substituting “has been entered”;*

(b) *in subsection (2) by striking out “, signed by the Registrar.”.*

18 *Section 26 is repealed.*

19 *Section 27 is amended by striking out “by the Registrar and the names of the parties thereto” and substituting “and any other particulars that the Registrar considers to be appropriate”.*

20 *Section 29 is repealed and the following is substituted:*

29(1) A certificate of title shall not include the following:

(a) more than 1 section of land;

(b) parcels of land that are described by reference to different registered plans;

(c) land described in parts, where one part is described by reference to a registered plan and another part is described by any other kind of description.

(2) Unless the Registrar otherwise permits, a certificate of title shall include only land that consists of a contiguous area.

(3) The Registrar may cancel a certificate of title that does not comply with subsection (1) or (2), or both of them, and issue in substitution for it new certificates of title to the land that was included in the cancelled certificate of title.

21 *Section 30 is amended*

(a) *in subsection (1) by adding the following after clause (f):*

(f.1) *incorporated under the Agricultural Societies Act,*

(b) *in subsection (2),*

(i) *by striking out “(e) or (f)” and substituting “(e), (f) or (f.1)”;*

(ii) *by striking out “or” at the end of clause (c), by adding “or” at the end of clause (d) and by adding the following after clause (d):*

(e) *the Director of Agricultural Societies that a corporation is incorporated under the Agricultural Societies Act,*

(iii) *by striking out “or the Registrar of Credit Unions” and substituting “, the Registrar of Credit Unions or the Director of Agricultural Societies”;*

(c) *in subsection (3) by striking out “and the Registrar of Credit Unions” and substituting “, the Registrar of Credit Unions and the Director of Agricultural Societies”;*

(d) *in subsection (4) by striking out “or the Credit Union Act” and substituting “, the Credit Union Act or the Agricultural Societies Act”.*

21 Section 30 presently reads:

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,

(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 or the Rural Utilities Act,

(f) registered under the Credit Union Act,

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

(h) incorporated under the Bank Act (Canada) or the Railway Act (Canada), or

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

(2) In the case of any corporation to which subsection (1)(a), (a.1), (b), (c), (d), (e) or (f) applies, the receipt by the Registrar of a certificate from

(a) the Registrar of Companies that a corporation is registered under the Companies Act,

(a.1) the Registrar as defined in the Business Corporations Act that a corporation is registered, incorporated or continued under that Act,

(a.2) the Registrar as defined in the Business Corporations Act that a corporation is registered under the Societies Act, the Co-operative Associations Act or the Rural Utilities Act,

(b) the Director of Trust Companies that a corporation is registered under the Trust Companies Act,

(c) the Superintendent of Insurance that a corporation is licensed under the Insurance Act, or

(d) the Registrar of Credit Unions that a corporation is registered under the Credit Union Act,

shall be sufficient to satisfy the Registrar in relation to every submission for registration or filing thereafter made in relation to that corporation until the Registrar is informed by the Registrar of Companies, the Registrar as defined in the Business Corporations Act, the Director of Trust Companies, the Superintendent of Insurance or the Registrar of Credit Unions, as the case may be, that the certificate issued in respect of that corporation is no longer valid.

(3) The Registrar of Companies, the Registrar as defined in the Business Corporations Act, the Director of Trust Companies, the Superintendent of Insurance and the Registrar of Credit Unions, as the case may be, shall notify the Registrars of each registration district forthwith, on any corporation for which they may have issued their respective certificates being dissolved or liquidated and dissolved or ceasing to be registered or licensed, that the certificate issued in respect of that corporation is invalid.

(4) Except in respect of a corporation

(a) registered under the Trust Companies Act, or

22 Section 35(2) is amended by striking out “for the fee simple estate” and substituting “from which the estate is derived”.

23 Section 49 is amended by striking out “other than a copy of a writ of execution”.

24 Section 50(2) is repealed.

25 Section 52(1) is amended by adding “, for the benefit of any other land that is being or has been registered” after “has been registered”.

26 Section 53(2) and (3) are repealed and the following is substituted:

(2) If a person enters into an agreement for a unit operation, that person may file a copy of that agreement with the Registrar.

(3) When an agreement is filed with the Registrar under subsection (2), the Registrar shall endorse a memorandum of that agreement on the certificates of title of all the land specified in the agreement as being subject to the unit operation.

(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, the Rural Utilities Act or the Credit Union Act, or is incorporated, continued or registered under the Business Corporations 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.

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

22 Section 35(2) presently reads:

(2) A certificate of title issued for a leasehold or life estate is, by implication and without any special mention therein, subject to all instruments and caveats registered against the certificate of title for the fee simple estate prior to the registration of the instrument creating the leasehold or life estate.

23 Section 49 presently reads:

49 If a document other than a copy of a writ of execution is presented to the Registrar for registration and does not disclose, in respect of any person who is a party to the document, whether or not he signed it, or who issued or is affected by the document,

(a) his surname and at least one given name in full, in the case of a natural person, and

(b) an address giving the municipal number and the street or avenue, if any, or an address that is in the opinion of the Registrar sufficient for the purpose of giving notice by mail to that person,

the Registrar may refuse registration of the document until either the document is changed to contain the information required by him or there is furnished to him a memorandum by or on behalf of the person presenting the document for registration setting out the information required by the Registrar.

24 Section 50(2) presently reads:

(2) The Registrar shall note on the certificate of title of the transferor the number of the transferee's title and on the certificate of title of the transferee the number of the transferor's title in a manner that reference can readily be made from one to the other.

25 Section 52(1) presently reads:

52(1) There may be registered as annexed to any land that is being or has been registered, a condition or covenant that the land, or any specified portion thereof, is not to be built on, or is to be or not to be used in a particular manner, or any other condition or covenant running with or capable of being legally annexed to land.

26 Section 53 presently reads:

53(1) In this section, "unit operation" means an operation where, pursuant to an agreement, interests in a mineral are merged, pooled, consolidated or integrated as a single unit, without regard to the boundaries of the separate parcels, for the purposes of

(a) the development or production of the mineral within, on or under the parcels, or any specified stratum or strata or portion thereof within the parcels, or

- (4) Where there is filed with the Registrar
- (a) a discharge in respect of an agreement for a unit operation that
 - (i) is executed by the person who is the unit operator, and
 - (ii) specifies the land to which the discharge applies,
 - and
 - (b) an affidavit of the unit operator stating
 - (i) that he is the unit operator for the agreement,
 - (ii) that he has the authority pursuant to the agreement or a collateral agreement to discharge the agreement in respect of the land specified in the discharge, and
 - (iii) that he has given notice of his intention to effect a discharge to the parties that will be affected by the discharge,

the Registrar shall, in accordance with the discharge, cancel the registration of the agreement for the unit operation in respect of the land specified in the discharge.

27 Section 54(3) is amended by striking out “microphotographed” and substituting “duplicated”.

28 The following is added after section 54:

54.1(1) The Registrar may assign to a parcel of land a number for the purpose of facilitating the identification of the parcel in records, registers and instruments.

(2) The Registrar may require the number assigned under subsection (1) to be set forth as part of the description of land.

29 Section 64(1) is amended by striking out “notified on the folio of the register that constitutes” and substituting “endorsed on”.

30 Section 65(1)(e) is repealed.

31 Section 68(3)(a) is amended by striking out “refer to the certificate of title of the land or”.

(b) the implementing of a program for the conservation of the mineral, or the co-ordinated management of interests in the mineral.

(2) If a person enters into an agreement for the unit operation of a mineral, he may file, on payment of the fee prescribed, a copy of the agreement with the Registrar of the district in which is situated any land to which the agreement relates.

(3) The Registrar shall endorse a memorandum of the agreement on the certificate of title of any land to which the agreement relates on payment of a fee of \$1 for each certificate of title required to be so endorsed.

27 Section 54(3) presently reads:

(3) The Registrar may reject any document submitted for filing or registration which is in his opinion for any reason unsuitable to be microphotographed pursuant to section 20.

28 Establishes the land identification number.

29 Section 64(1) presently reads:

64(1) The owner of land in whose name a certificate of title has been granted shall, except in case of fraud wherein he has participated or colluded, hold it, subject (in addition to the incidents implied by virtue of this Act) to the encumbrances, liens, estates and interests that are notified on the folio of the register that constitutes the certificate of title, absolutely free from all other encumbrances, liens, estates or interests whatsoever except the estate or interest of an owner claiming the same land under a prior certificate of title granted under this Act or granted under any law heretofore in force and relating to title to real property.

30 Section 65(1)(e) presently reads:

65(1) The land mentioned in any certificate of title granted under this Act is, by implication and without any special mention therein, subject to

(e) any decrees, orders or executions, against or affecting the interest of the owner of the land, that have been registered and maintained in force against the owner,

31 Section 68(3)(a) presently reads:

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

(a) refer to the certificate of title of the land or give a description of the land that is sufficient to identify it, and

32 *Section 70 is amended*

(a) *by striking out “interest” and substituting “instrument”;*

(b) *by striking out “, and on the duplicate certificates thereof”.*

33 *Section 72.4 is amended by renumbering it as section 72.4(1) and by adding the following after subsection (1):*

(2) The Registrar may, on application by an owner of land that is affected by an instrument referred to in subsection (1), cancel the registration of that instrument if the Registrar is satisfied that the interest created by the instrument has expired through the passage of time in accordance with an express provision in the instrument.

34 *Section 73 is repealed.*

35 *Section 75 is repealed.*

36 *Sections 76 to 97 are repealed and the following is substituted:*

76(1) On

(a) the application by or on behalf of the registered owner of land, and

(b) the delivery to the Registrar of the duplicate certificate of title to that land,

the Registrar may separate or consolidate parcels or interests in land by cancelling the existing certificate of title for that parcel or interest and issuing in substitution for that certificate of title 1 or more new certificates of title.

(2) Where an application is made under subsection (1)

(a) for the purpose of consolidating 2 adjacent parcels of land into 1 certificate of title, and

32 Section 70 presently reads:

70 When an easement or an incorporeal right in or over land for which a certificate of title has been granted is created for the purpose of being annexed to or used and enjoyed together with other land for which a certificate of title has also been granted, the Registrar shall make a memorandum of the interest creating the easement or incorporeal right on the existing certificates of title of the dominant and servient tenements respectively, and on the duplicate certificates thereof.

33 Section 72.4 presently reads:

72.4 The Registrar shall cancel the registration of an easement, a restrictive covenant, a party wall agreement or an encroachment agreement on production of a discharge in the prescribed form signed by the registered owner of the dominant tenement.

34 Section 73 presently reads:

73 If a transfer purports to transfer the transferor's interest in the whole or part of the land mentioned in a certificate of title, the transferor shall deliver up the duplicate certificate of title of the land and the Registrar shall make thereon and on the certificate of title in the register a memorandum cancelling the certificate of title, either wholly or partially, according as the transfer purports to transfer the whole or part only of the interest of the transferor in the land, and setting forth the particulars of the transfer.

35 Section 75 presently reads:

75 The Registrar, on cancelling any certificate of title either wholly or partially, pursuant to any transfer or judgment, shall grant to the transferee a certificate of title of the land mentioned in the transfer and issue to the transferee a duplicate thereof, and the Registrar shall retain every transfer and cancelled duplicate certificate of title, but in the case of a partially cancelled certificate of title the Registrar shall return the duplicate to the transferor after the memorandum partially cancelling it has been made thereon and on the certificate of title in the register, or may whenever required thereto by the owner of an unsold portion of land in any partially cancelled certificate of title, or where such a course appears to the Registrar more expedient, grant to the owner a certificate of title for the portion of which he is the owner, on the delivery of the partially cancelled duplicate certificate of title to the Registrar to be cancelled and retained.

36 Sections 76 to 97 presently read:

76(1) The Registrar may require the owner of land within his registration district desiring to transfer or otherwise deal with it under this Act to have it surveyed by an Alberta land surveyor and to deposit with him for registration a plan in duplicate of the survey, which shall be made on tracing linen in black India ink or on another material or in another ink approved by the Registrar and prepared on a scale ratio of not less than one to 5000 and the scale shall be marked on the plan.

(2) The plan shall be signed by the owner and certified, in prescribed form, by the Alberta land surveyor who made the survey represented by the plan, and the signature of the owner shall be witnessed and attested in the manner hereinafter provided for the attestation of all instruments.

(3) The plan shall show all the original boundaries of the section, settlement lot or surveyed parcel of land of which the land desired to be dealt with is a part, with all angular and lineal measurements thereof and all

- (b) one of the parcels included in the consolidation was
 - (i) formerly
 - (A) a public road, right of way, drainage ditch or canal,
or
 - (B) the bed and shore of a body of water,
 - or
 - (ii) transferred to or vested in the registered owner to accommodate an encroachment or rights to exclusive possession.

all encumbrances registered or caveated against the other parcel immediately prior to the application shall be deemed to apply to all the land comprised in the consolidated parcel.

77(1) No instrument or caveat shall be registered in contravention of the *Planning Act* or the regulations made under that Act.

(2) Notwithstanding subsection (1), if a registration of an instrument or caveat is made in contravention of subsection (1), that registration ceases to be voidable when any person has in good faith acquired rights for value in the subdivided land.

78(1) A plan of survey shall not be registered unless the plan of survey

- (a) illustrates and represents the survey as made on the ground in accordance with the *Surveys Act*,
- (b) is prepared
 - (i) to the satisfaction of the Registrar, so that it contains the information and details that the Registrar considers appropriate, and
 - (ii) on a medium or material approved by the Registrar,
- (c) states the purpose of the survey, and
- (d) is certified in the prescribed form by the Alberta land surveyor who carried out the survey illustrated on the plan of survey.

(2) The illustration of a survey made under subsection (1)(a) shall include

- (a) the position and nature of all survey monuments found and placed in the course of the survey,
- (b) subject to subsection (3), the original boundary lines of any parcel of land affected by the survey and any boundary line established by the survey, and
- (c) a sufficient number of measurements,

as is necessary to enable the position of the parcels established by the survey to be located on the ground.

(3) If, in the opinion of the Registrar, it is not necessary to show all of the original boundaries of a parcel of land in order to determine the position of the land intended to be dealt with, it

information as to the original monuments found on the ground and necessary to establish the true position of the boundaries.

(4) Notwithstanding subsection (3), if in the opinion of the surveyor to the Land Titles Office it is not necessary to show all the original boundaries in order to determine accurately the position of the land desired to be dealt with, it shall be sufficient to show only the information in regard to the boundaries that he determines to be necessary.

(5) If the owner neglects or refuses to comply with the requirements of this section, the Registrar shall not proceed with the registration of the transfer or other instrument until the requirements are complied with.

77 Any map or plan attested by the signature of the superintendent general of Indian affairs or his deputy and certified by a Dominion land surveyor to be a true copy or plan of survey lodged or filed in the department of the Government of Canada charged with the administration of Indian affairs, of land described as "Indian Lands" in the Indian Act (Canada), shall be dealt with and recognized in accordance with this section by the Registrar of the land registration district in which the land is situated when the map or plan has been lodged or filed with him, notwithstanding that the Indian Act (Canada) does not expressly authorize the map or plan to be so lodged or filed.

78(1) Any plan that has been prepared in accordance with the Railway Act (Canada) or any other Act of the Parliament of Canada, and that has been lodged or filed with the Registrar under or in accordance with that Act, shall be dealt with and recognized by him in so far as it is capable of being dealt with and recognized, as if it had been prepared and filed or registered under and in accordance with this Act.

(2) Notwithstanding subsection (1), any plan that has been prepared in accordance with any Act of the Parliament of Canada or any lithographic or other copy of the plan certified to be a true copy by the Minister or Deputy Minister of the Federal or of the Provincial Department of the Public Service concerned with the preparation or registration of the plan, may be filed with the Registrar and shall be dealt with and recognized by him in so far as it is capable of being dealt with and recognized, as if it had been prepared and filed or registered under and in accordance with this Act.

79(1) Every railway corporation shall deposit with the Registrar of the land registration district within which the land is situated plans in duplicate of the land required for its right of way and station grounds, or for any other railway purpose, before being granted certificates of title therefor, and every such plan shall be in accordance with the following provisions:

(a) the plan shall be made on tracing linen in black India ink and vermilion red or on another material or in other inks approved by the Registrar, and certified by a Dominion land surveyor or Alberta land surveyor in the prescribed form, according as the land dealt with is Dominion or patented land, and the plan shall be certified and signed by the president or vice-president or general manager and also by the engineer of the company;

(b) the area taken from each quarter section, settlement lot or parcel of land, as the case may be, shall be shown on the plan;

(c) the original boundaries of sections, settlement lots and parcels of land, together with the information as to monuments, on which the position of the lines was determined by the surveyor on the ground shall be shown on the plan, and a sufficient number of angular and lineal measurements to define the limits of the land taken for the right of way of the railway and to show their connection with each such original boundary shall also be shown;

shall be sufficient to show only the information in regard to the boundaries that the Registrar determines to be necessary.

79(1) When a plan is submitted for registration, it shall be submitted to the Registrar accompanied by an extra copy.

(2) Notwithstanding that this or any other Act may require a plan to be submitted to the Registrar accompanied by extra copies of the plan, the Registrar may in his discretion accept for registration a single copy of a plan and, after registering the plan, cause it to be reproduced by any method that he considers appropriate.

80(1) Before a plan is registered, amended, altered or corrected the Registrar may do one or more of the following:

- (a) require a written explanation of
 - (i) any apparent discrepancy between the plan and the description of the land in the register or any former plan, or
 - (ii) any other matter shown on or affecting the plan,

that in his opinion requires an explanation;

- (b) require the plan of survey to be submitted to the Director of Surveys for confirmation that the survey as represented by the plan complies with the requirements of the *Surveys Act*;

- (c) require the Director of Surveys to cause the survey as illustrated on the plan to be verified on the ground.

(2) The registration of a plan under this Act does not relieve the Alberta land surveyor who conducted the survey and prepared the plan from any liability for damages suffered by any person as a consequence of the survey or the registration of the plan.

81(1) Where the owner of land or a person who claims an interest in land desires to transfer or otherwise deal with the land or interest, the Registrar may, before registering any instrument or caveat to transfer or deal with the land, require the owner or other person

- (a) to have the land surveyed by an Alberta land surveyor, and
- (b) to submit for registration a plan of survey signed by the owner or the other person.

(2) No instrument or caveat shall be registered with respect to the land referred to in subsection (1) until the owner or other person has complied with the Registrar's requirements under subsection (1).

82(1) A plan of survey prepared in respect of land may be registered, where the land is required for one or more of the following:

- (a) an easement or a right of way;
- (b) a purpose incidental to the undertaking for which a right of way is required;

(d) the plan shall show the position and nature of all monuments placed in accordance with the Surveys Act to define the limits of the right of way, together with a sufficient number of angular and lineal measurements to enable the position of the right of way to be re-established on the ground;

(e) when the location of the railway is through land that has been subdivided and of which a plan has been registered under section 83, the railway plan shall show distinctly, as to all allotments taken in whole or in part for the right of way or station grounds or for any other railway purpose, the lines of the allotments according to the registered plan, and a sufficient number of angular and lineal measurements to show the location and connection of the part required by the railway with the external boundaries of each allotment;

(f) the land required for right of way, station grounds, or other railway purposes shall be coloured red on the plan.

(2) Notwithstanding anything in this section, the Registrar may accept transfers of land required for right of way and station grounds and referring to any plan

(a) prepared prior to January 1, 1911, and signed by a Dominion land surveyor, or prepared subsequently to January 1, 1911, and signed by an Alberta land surveyor, and

(b) filed in his office on or before March 1, 1912, pursuant to the Railway Act of Canada, or The Railway Act of Alberta,

if in his opinion the land to be transferred is clearly and sufficiently defined and the centre line properly tied into the land boundaries of the section or other parcel of land, and all information and measurements necessary to locate the land on the ground are shown on the plan.

80 Section 79 applies, with all necessary modifications, to every person, firm, company or corporation constructing any gas or oil pipeline or any other transmission line, pipe or conduit, irrigation ditch, water ditch or drain for which a right of way is required, except that the signature of an engineer is not required on the plan thereof.

81 When this or any other Act requires the registering, filing or depositing with the Registrar of

(a) a plan of survey in duplicate, in triplicate or in any other number, or

(b) a plan of survey together with a number of copies thereof,

the Registrar may, in his discretion, accept one plan drawn by hand together with copies that have been photographically or mechanically reproduced from and that are the same size as the hand drawn plan and on a material that, in the opinion of the Registrar, will provide satisfactorily durable records.

82(1) If land affected by a survey is situated in a recognized oil or gas producing area, the Registrar may accept for registration a composite plan of survey showing any area required by an incorporated oil or gas company for a well site, battery, tank or separator site, entrance road thereto, and any oil or gas pipeline right of way required in connection therewith.

(2) The survey shall in all respects be made in accordance with the Surveys Act.

(3) The plan shall be made on a scale large enough to show clearly all the required information and shall be made in accordance with this Act and shall not affect more than one section in area, but the land comprising the area shall be contiguous.

- (c) a purpose with respect to a railway;
 - (d) another purpose approved by the Registrar and not otherwise referred to in this Act.
- (2) A plan referred to in subsection (1) shall be signed by the person who requested the plan of survey to be made.
- (3) The registration of a plan under this section does not
- (a) affect the title to the land shown on the plan, or
 - (b) convey any interest or right to any person.

83(1) When

- (a) a notification or a plan of survey that is prepared in respect of a public work under the *Public Works Act* or the *Municipal Government Act*, or
 - (b) a certificate of approval that is prepared in respect of works to which the *Expropriation Act* applies,
- is submitted for registration, the Registrar shall
- (c) register the notification, plan or certificate,
 - (d) make the necessary endorsements on or cancellations of the appropriate certificates of title,
 - (e) issue, when appropriate, free of all encumbrances, a new certificate of title for the area taken in accordance with the notification, plan or certificate, and
 - (f) call in for amendment or cancellation the duplicate certificate of title, if issued.

(2) Notwithstanding subsection (1)(e), where the area taken consists of a public highway, road, street or lane, a certificate of title shall not be issued with respect to that area.

(3) Where an instrument is registered under subsection (1), that registration vests the interest taken in the Crown in right of Alberta or in a municipality or other authority, as the case may be, but does not affect the right of a person who held an interest in the land to compensation for that interest.

(4) The Crown, municipality or other authority is not entitled to any mines or minerals in land vested in it under this section, and the title to the mines and minerals is not affected by the registration of a notification, plan of survey or certificate of approval, unless the mines and minerals are expressly acquired by the Crown, municipality or other authority, as the case may be.

(5) For the purpose of excepting an area that is required for a public work from a certificate of title as the certificate of title is issued when land is granted by the Crown, the Registrar may accept for registration a plan prepared by the Director of Surveys showing the area affected by the public work.

84(1) A registered owner who desires to transfer or otherwise deal with land described in a certificate of title may

- (a) have the boundaries of the land surveyed by an Alberta land surveyor, and

83(1) Subject to section 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.

(2) The original plan shall be a good specimen of draftsmanship, to the satisfaction of the examiner of surveys, and on tracing linen or another material approved by the Registrar not exceeding 75 centimetres in width unless, in the opinion of the Registrar, a plan of greater width is necessary.

(3) The plan shall show the land on a scale ratio of not less than one to 5000 and the scale shall be marked on the plan.

(4) The original plan shall, in black Indian ink or another ink approved by the Registrar, show

(a) the boundaries, numbers and other distinguishing marks of the lots laid out thereby;

(b) the number of the section, township and range, or the number of the river lot or the name of the district or reservation, as the case may be, in which the land lies,

(c) the number of the meridian west of which the range, river lot, district or reservation is situated,

(d) all boundaries lines of the quarter section, section or river lot that contain the subdivided land shown on the plan,

(e) all monuments, posts or marks by which the outside boundaries of the land shown on the plan are determined,

(f) all roads, streets, passages, thoroughfares, squares and reservations appropriated or set aside for public use, with the courses and widths thereof,

(g) the length and width of all lots and the courses of all division lines between the lots, with each lot marked with a distinct number or symbol,

(h) the courses of all streams of water within the limits of the land included in the plan, and

(i) any other information required to show distinctly the position of the land being subdivided.

(5) If the plan is a subdivision of a lot or lots shown on a former plan, the original shall show in orange ink or in scarlet or vermilion paint the numbers or other distinguishing marks of the lot or lots being subdivided and the boundary lines of the lot or lots.

(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,

(b.1) a plan of subdivision prepared pursuant to a land boundary adjustment scheme under the Crowsnest Pass Municipal Unification 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, including a condominium plan, shall be signed by each person shown on the certificate or certificates of title for the land in the

- (b) submit for registration a plan of survey of the land.
- (2) A plan of survey that is submitted for registration under this section shall
 - (a) be signed by the registered owner of the land, and
 - (b) be accompanied by the duplicate certificate of title.
- (3) On registration of the plan of survey, the Registrar shall cancel the existing certificate of title and issue to the registered owner a new certificate of title to the land as shown on the plan.
- 85(1)** A plan of survey subdividing land may be registered.
- (2) A plan of subdivision that is submitted for registration shall
 - (a) be signed by the registered owner of the land except in the case of land included in a plan of subdivision referred to in section 86(2)(a), (b), (c) or (d),
 - (b) show the numbers or letters of the parcels illustrated on the plan, and
 - (c) show all public roadways and other areas dedicated or set apart for public purposes and indicate the courses and width of each of them.
- (3) The registration under this section of a plan of subdivision vests title, free of all encumbrances, to all land
 - (a) that is shown on the plan as
 - (i) an environmental reserve or municipal reserve, or
 - (ii) a public utility parcel,
 in the municipality in which the land is situated, or in the Crown in right of Alberta in the case of land that is situated in an improvement district or special area,
 - (b) that is shown on the plan as school reserve, in the school authority as defined in the *Planning Act*, or
 - (c) that is shown on the plan as a municipal and school reserve,
 - (i) in the school authority as defined in the *Planning Act* and the municipality, or
 - (ii) in the school authority as defined in the *Planning Act* and the Crown in right of Alberta in the case of land that is situated in an improvement district or special area.
- (4) The registration of a plan of subdivision does not affect the title to mines and minerals in the land affected by the plan.
- (5) On registration of a plan of subdivision under this section, the Registrar shall
 - (a) cancel the existing certificate of title, except as to mines and minerals,
 - (b) issue new certificates of title to the parcels as shown on the plan, including the reserves and public utility parcels referred to in subsection (3), and
 - (c) not issue a certificate of title in respect of land that is shown on the plan as a public highway, road, street or lane.

plan of subdivision as having a registered interest in the land or a caveat registered against the land other than a mortgage of an easement or a caveat in respect of a writ of execution, 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) If for any reason a signature cannot be obtained, an application by originating notice may be made to the court for an order dispensing with the signature on any terms and conditions that the court may impose.

(7) The Registrar shall forthwith transmit one copy of the plan to the Director of Surveys.

83.1(1) Subject to the regulations, 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

(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, subject to the regulations 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 and registered 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.

83.2(1) In this section "strata space" means volumetric space, whether it is

(a) located below or above or below and above the surface of the land, or

(b) occupied in whole or in part by any structure,

and that is shown as strata space on a strata space plan.

(2) A registered owner subdividing volumetric space, other than mines and minerals lying on or under the surface of the land, into strata spaces shall present a plan of survey to the Registrar for registration under this Act.

86(1) A plan that has the effect of subdividing land shall be signed by each person shown on the certificate of title for the land included in the plan as having an interest pursuant to a registered instrument or caveat, other than

- (a) a mortgage of a utility right of way,
- (b) a restrictive covenant,
- (c) a zoning restriction, or
- (d) a writ of execution,

if the interest is affected by the subdivision.

(2) Subsection (1) does not apply to the following:

- (a) a plan of subdivision or other instrument prepared 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 prepared pursuant to a land boundary adjustment scheme under the *Crowsnest Pass Municipal Unification Act*;
- (d) a plan of subdivision approved by the Minister of Municipal Affairs pursuant to section 149 of the *Planning Act* relating to an Innovative Residential Development Area;
- (e) a plan of subdivision, other than a condominium plan or strata space plan, in which there is no dedication of land for any public purposes.

(3) A person whose signature is required on a plan under subsection (1) may, instead of signing the plan, sign a consent in the prescribed form.

(4) If for any reason a signature required under this section cannot be obtained, an application by originating notice may be made to the court for an order dispensing with the signature on any terms and conditions that the court may impose.

87(1) In this section, “strata space” means volumetric space, whether it is

- (a) located below or above or below and above the surface of the land, or
- (b) occupied in whole or in part by any structure,

and that is shown as strata space on a strata space plan.

(2) A registered owner subdividing volumetric space, other than mines and minerals lying on or under the surface of the land, into strata spaces shall present a plan of survey to the Registrar for registration under this Act.

(3) Volumetric space shall not be subdivided into strata spaces unless the land in relation to which the subdivision is to be made is shown as a single parcel on a plan of survey registered under this Act.

(3) Volumetric space shall not be subdivided into strata spaces unless the land in relation to which the subdivision is to be made is shown as a single parcel on a plan of survey registered under this Act.

(4) The boundaries of a strata space

(a) may consist of vertical, horizontal or inclined planes or curved surfaces that are satisfactory to the Registrar, and

(b) shall conform to or lie within the boundaries of the single parcel referred to in subsection (3).

(5) A strata space plan shall

(a) show

(i) the boundaries of the volumetric space that is to be subdivided into strata spaces, and

(ii) the boundaries of each strata space.

(b) include a diagram to scale of the survey of the perimeter of the land affected,

(c) have noted on it the elevation of each corner or angle of the strata spaces in relation to a survey control marker or a survey marker of known elevation placed within or adjacent to the single parcel referred to in subsection (3),

(d) assign a suitable letter or number to each strata space and designate each space as a strata space,

(e) be signed by the registered owner of the land, and

(f) show any other details that the Registrar may require.

(6) Notwithstanding section 83(6)(d) and (6.1), section 83(6), (6.2) and (6.3) apply to a strata space plan.

(7) On registration of the strata space plan the Registrar shall cancel the existing certificate of title to the extent necessary and issue new certificates of title to the strata spaces shown on the strata space plan.

84 The Registrar before filing a plan may require evidence to be given explaining any apparent discrepancy between the measurements on the plan and the description of the land in the register or the measurements on any former plan, or may require evidence on any other matter that in his opinion requires to be explained.

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 if any person has in good faith acquired rights for value in the subdivided land.

86 Repealed 1982 c23 s10.

87(1) All plans of every nature whatsoever that are required to be or may be deposited with the Registrar may be submitted for approval by him to the Director of Surveys, or to some other person whom the Director may in writing appoint.

(2) On the registration of a subdivision plan the Registrar shall cancel the existing certificate of title except as to mines and minerals and issue to the owner certificates of title to the property in blocks and lots as shown on the plan, excepting from each certificate of title so issued all mines and minerals.

88 The Registrar shall not accept transfers or mortgages of parcels of land within the limits of any plan registered in the Land Titles Offices

- (4) The boundaries of a strata space
 - (a) may consist of vertical, horizontal or inclined planes or curved surfaces that are satisfactory to the Registrar, and
 - (b) shall conform to or lie within the boundaries of the single parcel referred to in subsection (3).
- (5) A strata space plan shall
 - (a) show
 - (i) the boundaries of the volumetric space that is to be subdivided into strata spaces, and
 - (ii) the boundaries of each strata space.
 - (b) include a diagram to scale of the survey of the perimeter of the land affected.
 - (c) have noted on it the elevation of each corner or angle of the strata spaces in relation to monuments of known elevation or survey control markers in accordance with the *Surveys Act*.
 - (d) assign a suitable letter or number to each strata space and designate each space as a strata space.
 - (e) be signed by the registered owner of the land, and
 - (f) show any other details that the Registrar may require.
- (6) On registration of the strata space plan the Registrar shall cancel the existing certificate of title to the extent necessary and issue new certificates of title to the strata spaces shown on the strata space plan.

88(1) A plan prepared in accordance with

- (a) an Act of the Parliament of Canada, or
- (b) an Act of the Legislature of Alberta,

that is deposited, filed or registered with the Registrar in accordance with that Act shall be dealt with and recognized by the Registrar insofar as it is capable of being dealt with and recognized under this Act.

(2) A plan that is to be deposited, filed or registered with the Registrar pursuant to another Act of the Legislature of Alberta shall be prepared in a manner that is satisfactory to the Registrar notwithstanding the provisions of that other Act.

89(1) The Registrar may

- (a) cause a plan that illustrates boundaries to be prepared and registered in respect of a parcel of land described in a certificate of title, or
- (b) permit a plan that is not a plan of survey to be registered if the Registrar
 - (i) is satisfied that the circumstances do not justify the preparation of a plan of survey, and
 - (ii) has given his prior approval to the plan's being prepared.

under section 81, if the boundaries of the parcels are not delimited on the plan, until a new plan showing the boundaries and distinguishing the parcels by numbers or letters has been registered under section 81 if, in his opinion, the subdivision affected by the transfer or mortgage is not in accord with the Planning Act and the regulations thereunder.

89(1) No lots shall be sold under agreement for sale or otherwise according to any townsite or subdivision plan until after they have been duly registered in the Land Titles Office for the registration district in which the land shown on the plan is situated, but this section does not apply to any plan in existence and approved by the Minister on February 16, 1912.

(2) A person who contravenes subsection (1) is guilty of an offence and liable for every contravention to a fine of not less than \$50 and not more than \$100 for each lot sold under agreement of sale or otherwise.

(3) No party to a sale or agreement for sale is entitled in a civil action or proceeding to rely on or plead the provisions of this section.

(a) if the plan of subdivision by reference to which the sale or agreement for sale was made is registered when the action or proceeding is commenced, or

(b) if, pursuant to the arrangement between the parties, it was the duty of the party who seeks to rely on or plead the provisions of this section to register the plan of subdivision or cause it to be registered.

90 In no case is a plan of survey, although filed and registered, and whether filed or registered prior or subsequent to the creation of Alberta, binding on the person filing or registering it, or on any other person unless a sale, mortgage, encumbrance or lease has been made according to the plan of survey, and in all cases cancellation in whole or in part or amendments or alterations of any such plan of survey may be ordered to be made at the instance of the person filing or registering it or of any person deriving title through him of any land shown on the plan or survey by a judge, if on application for the purpose and on hearing all parties concerned it is thought fit and just so to order and on such terms and conditions as to costs and otherwise considered expedient and the judge may make any order as to the vesting or re-vesting of any land included in the plan he thinks fit.

91(1) If in a plan filed or registered there is an omission, error or other defect, a judge, on the application of the Registrar, may order the correction of the plan.

(2) On the making of an order under subsection (1), the Registrar shall forthwith make the correction directed to be made, and the corrected plan shall be deemed to be substituted for the original, and thereafter

(a) the original shall for all purposes be deemed to have been so amended or corrected from the time of registration, and

(b) the description in any instrument or caveat of land therein shall be construed as if it referred to the corrected plan,

but the amendments or corrections by the Registrar do not affect the rights of any person existing at the date of the making of the order.

92(1) The registration under this Act of a plan of subdivision vests

(a) in the municipality in which the land is situated or the Crown in right of Alberta in case of an improvement district or special area, title free of encumbrances to all land that is provided to the Crown or the municipality, as the case may be,

(i) as environmental reserve or municipal reserve, or

(ii) as public utility parcels

under the Planning Act and shown as such on the plan of subdivision;

(2) If a plan referred to in subsection (1)(b) has the effect of subdividing land, it shall not include

- (a) more than 2 parcels of land, or
- (b) any land dedicated for public purposes.

(3) A plan prepared under subsection (1) shall

- (a) be styled as a “descriptive plan”,
- (b) be prepared in a manner and on a medium or material that is satisfactory to the Registrar,
- (c) contain sufficient detail so that, in the opinion of the Registrar, the parcel boundaries can be ascertained from the plan, and
- (d) if the plan was prepared under subsection (1)(b), be signed by
 - (i) an Alberta land surveyor, and
 - (ii) any other person whose signature would be required if the plan were a plan of survey.

(4) When a descriptive plan is registered under subsection (1)(a), the Registrar shall

- (a) cancel the existing certificate of title and issue a new certificate of title to the parcel as shown on the plan, and
- (b) notify the registered owner and all other persons having a registered or caveated interest in the parcel that the description of the parcel has been changed.

(5) When a descriptive plan is registered under subsection (1)(b), the Registrar shall deal with the plan as if it were a plan of survey.

90(1) Where a parcel of land that adjoins land owned by the Crown in right of Alberta has a natural boundary, the Registrar, on application by the registered owner of the parcel or the Crown, may amend the description of the parcel to reflect the current location of the natural boundary.

(2) Where a parcel of land

- (a) had adjoined land owned by the Crown in right of Alberta, and
- (b) had a natural boundary that no longer exists,

the Registrar, on application by the registered owner of the parcel, may amend the description of the parcel to reflect the non-existence of the natural boundary.

(3) An application under subsection (1) or (2) shall be accompanied

- (a) in the case where the natural boundary still exists, by a plan of survey or other evidence satisfactory to the Registrar showing the location of the natural boundary,
- (b) in the case where the natural boundary no longer exists, by evidence satisfactory to the Registrar of the non-existence of the natural boundary,

(b) in a school authority (as defined in the Planning Act) title free of encumbrances to all land that is provided to each school authority as school reserve under the Planning Act and shown as such on the plan of subdivision;

(c) in a school authority (as defined in the Planning Act) and a municipality or the Crown in right of Alberta in the case of land in an improvement district or special area, title free of encumbrances to all land that is provided to the school authority and municipality or the Crown as municipal and school reserve under the Planning Act and shown as such on the plan of subdivision.

(2) On the filing of an original, amended or substituted plan of subdivision of land, the Registrar, in accordance with the plan,

(a) shall cancel from the original and duplicate certificates of title to the land that land shown on the plan as public roadways, public utility parcels and reserve land,

(b) shall issue a certificate of title for each public utility parcel to the municipality in which the land is situated or to the Crown in the case of land in an improvement district or special area,

(c) shall issue a certificate of title for environmental reserve and municipal reserve to the municipality in which the land is situated or the Crown in the case of land in an improvement district or special area,

(d) shall issue a certificate of title for school reserve to the appropriate school authority as defined in the Planning Act,

(e) shall issue a certificate of title for municipal and school reserve to the appropriate school authority and the municipality or the Crown in right of Alberta in the case of an improvement district or special area, and

(f) shall not issue a certificate of title in respect of a public roadway;

(3) Subsection (1) does not operate to vest in the Crown or a municipality title to the mines and minerals in any public utility parcels or reserves.

(4) If the boundaries of a municipality are altered so that

(a) a public utility parcel or environmental reserve or municipal reserve formerly in that municipality is then within another municipality or an improvement district or special area, or

(b) a public utility parcel or environmental reserve or municipal reserve formerly within an improvement district or special area is then within a municipality,

the registered owner of the public utility parcel or environmental reserve or municipal reserve shall transfer it to the municipality within which it is situated, or if it is within an improvement district or special area, to the Crown.

92.1(1) Where a parcel of land that adjoins land owned by the Crown in right of Alberta has a natural boundary, the Registrar, on application by the registered owner of the parcel or the Crown, may amend the description of the parcel to reflect the current location of the natural boundary.

(2) Where a parcel of land had adjoined land owned by the Crown in right of Alberta and had a natural boundary that no longer exists, the Registrar, on application by the registered owner of the parcel, may amend the description of the parcel to reflect the non-existence of the natural boundary.

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

(a) in the case where the natural boundary still exists, a plan of survey or other evidence satisfactory to the Registrar showing the location of the natural boundary,

(c) by the consent of the Minister charged with the administration of the adjoining land or a person authorized by him, where the Crown is not the applicant, and

(d) by the consent of the registered owners of parcels that may be adversely affected by the amendment of the description.

91 Every parcel of land described in a certificate of title consists only of the actual area within its legal boundaries and no more or less, notwithstanding that a certificate of title or other instrument that describes the parcel expresses an area that is more or less than the actual area.

92(1) A court may, on application made by

- (a) a person who caused a plan to be registered,
- (b) a person deriving title to or some other interest in any land shown on a plan,
- (c) an Alberta land surveyor who signed a plan, or
- (d) the Registrar,

and on hearing the persons to whom notice of the application was given,

- (e) order a plan to be cancelled, in whole or in part, amended, altered or corrected, and
- (f) make any order with respect to the vesting or revesting of any land included in the plan,

on any terms or conditions as to costs and otherwise as the court considers proper.

(2) Notice of the application referred to in subsection (1) shall be served on those persons and in such manner as the court directs.

93 When there is an omission, clerical error or other defect in a registered plan, the Registrar may correct the plan if

- (a) the Registrar is satisfied that the correction will not adversely affect any person, or
- (b) where the correction may adversely affect a person, that person has consented to the correction,

and the Alberta land surveyor who signed the plan or, if the Alberta land surveyor is not available, the Director of Surveys has consented to the correction.

94(1) The Registrar may change the legal description assigned to a parcel of land if

- (a) the Registrar is satisfied that the change will not adversely affect any person, and
- (b) the change does not alter the boundaries of the parcel.

(2) On making a change under subsection (1), the Registrar shall notify the registered owner and all other persons having a registered or caveated interest in the parcel that the description of the parcel has been changed.

(b) in the case where the natural boundary no longer exists, evidence satisfactory to the Registrar of the non-existence of the natural boundary;

(c) the consent of the Minister charged with the administration of the Public Lands Act or a person authorized by him, where the Crown is not the applicant, and

(d) the consent of the registered owners of parcels that may be adversely affected by the amendment of the description.

Road Allowances

93 In sections 95 and 96, "road" means and refers to any old trail that existed prior to the subdivision of the land that it crosses or any road allowance diversion or new road.

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.

(2) The Crown is not entitled to any mines or minerals, whether solid, liquid or gaseous, that may be found to exist within, on or under any land vested in the Crown under this section, unless they are expressly acquired, and the title to any such mines and minerals is in no way affected by the filing of any plans of survey or certificate of approval as provided herein.

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,

(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.

96 If a certificate of title has not been issued for any land affected by a public work, as shown by the plan that has been forwarded to the Registrar as hereinbefore provided, the Registrar shall cancel the area required for the public work as shown on the plan from the certificates of title as they are issued, and from the duplicates before they are delivered to the owners, and shall issue new certificates of title for the area so cancelled as provided in section 95, unless the grant of land is issued subject to the road or other public work shown on the plan.

97(1) When it is made to appear to the satisfaction of the Registrar that there is manifest, technical or other error in any plan filed as mentioned in section 94 or heretofore filed by the department of the Government of Alberta or the North-West Territories then responsible for public works, the Registrar may permit that plan to be withdrawn and a correct plan

95(1) No lots shall be sold under agreement for sale or otherwise according to any townsite or subdivision plan until a plan creating the lots has been registered.

(2) A person who contravenes subsection (1) is guilty of an offence.

(3) No party to a sale or agreement for sale is entitled in a civil action or proceeding to rely on or plead the provisions of this section

(a) if the plan of subdivision by reference to which the sale or agreement for sale was made is registered when the action or proceeding is commenced, or

(b) if, pursuant to the arrangement between the parties, it was the duty of the party who seeks to rely on or plead the provisions of this section to cause the plan of subdivision to be registered.

37 *Section 98(2) is repealed and the following is substituted:*

(2) A lease made pursuant to subsection (1) shall give a description of the leased land that is sufficient to identify the land.

38 *Section 104 is repealed and the following is substituted:*

104(1) Any person claiming to be interested in any land for which a certificate of title has been granted may apply to a court for an order discharging any lease or demise registered pursuant to this Act the term of which has expired, and the court, on being satisfied that the term of the lease or demise in respect of which the application is made has expired, may grant an order to that effect.

(2) Notwithstanding subsection (1), where the lessee is still in possession, the court shall not grant an order under subsection (1) unless the lessee has been given notice of the application.

(3) On the filing of the order with the Registrar, the Registrar shall cancel the registration of the lease or demise mentioned in the order and any caveat based on the existence thereof.

(4) The Registrar shall cancel the registration of a lease or demise on the production to the Registrar of a discharge executed by the lessee certifying that

(a) the term of the lease or demise has expired, and

(b) the lessee is no longer in possession.

39 *Section 105(1) is repealed and the following is substituted:*

105(1) When land for which a certificate of title has been granted is intended

(a) to be charged or made security in favour of a mortgagee, the mortgagor shall execute a mortgage in the prescribed form, or to the like effect, or

(b) to be charged with or made security for the payment of an annuity, rent charge or sum of money in favour of any

substituted therefor, and sections 94 to 96 apply to the substituted plan on it being filed.

(2) Notwithstanding subsection (1), if a certificate of title to land shown on the plan it is desired to withdraw has been issued to the Crown, the plan shall not be withdrawn until the certificate has been returned to the Registrar who shall cancel it and issue another certificate of title in the place thereof to Her Majesty in right of Alberta for the land shown on the corrected or substituted plan.

(3) The effect of the cancellation and reissue, and the effect of the withdrawal and substitution in cases in which no certificate of title has been issued to the Crown of land shown on the plan withdrawn, is to revest in the person from whom the land may have been divested by the plan that is withdrawn or in his heirs, executors, administrators or assigns, that part of the land divested that is not shown on the plan substituted, and the Registrar shall notify that person and shall cancel the cancellation, if any, made by him on the original certificate of title in his office and on the duplicate thereof when it is returned to him and shall strike out of the original certificate and duplicate the area shown on the substituted plan so filed.

37 Section 98(2) presently reads:

(2) The lease shall, for description of the land intended to be dealt with, refer to the certificate of title of the land, or shall give whatever other description is necessary to identify the land.

38 Section 104 presently reads:

104(1) Any person claiming to be interested in any land for which a certificate of title has been granted may apply to a judge for a certificate that any lease or demise registered pursuant to this Act has expired, and the judge, on being satisfied that the lease or demise in respect of which the application is made has expired and is no longer of any force or effect, may grant a certificate to that effect.

(2) On the certificate being filed with the Registrar he shall cancel the registration of the lease or demise mentioned in the judge's certificate and any caveat based on the existence thereof, and make an entry of the cancellation in the register and on the certificate of title to the land affected thereby and on the duplicate certificate of title thereof, on it being produced to him for this purpose.

39 Section 105(1) presently reads:

105(1) When land for which a certificate of title has been granted is intended to be charged or made security in favour of a mortgagee, the mortgagor shall execute a mortgage in the prescribed form, or to the like effect, and whenever the land is intended to be charged with or made security for the payment of an annuity, rent charge or sum of money, in favour of any encumbrancee, the encumbrancer shall execute and encumbrance in the prescribed form, or to the like effect, and every such instrument shall contain an accurate statement of the estate or interest intended to be mortgaged or encumbered, and shall, for description of the land intended to be

encumbrancee, the encumbrancer shall execute an encumbrance in the prescribed form, or to the like effect,

and the instrument shall

(c) contain an accurate statement of the estate or interest intended to be mortgaged or encumbered, and

(d) give a description of the land intended to be dealt with that is sufficient to identify the land,

and a memorandum of the mortgage or encumbrance shall be made on the certificate of title.

40 Section 108(1)(a) is repealed and the following is substituted:

(a) on the production to the Registrar of a discharge in the prescribed form signed by the mortgagee or encumbrancee and accompanied by the proper affidavit of execution, but

(i) when it is expressly stated in a mortgage or encumbrance to 2 or more mortgagees or encumbrancees that the money has been advanced on a joint account, it is sufficient if the discharge of the mortgage or encumbrance is signed by any one of the mortgagees or encumbrancees, or

(ii) when it is expressly stated in a mortgage or encumbrance that the mortgage or encumbrance is held in joint tenancy by 2 or more mortgagees or encumbrancees, it is sufficient, on the death of a joint tenant, if the discharge of the mortgage or encumbrance is signed by the surviving mortgagees or encumbrancees;

41 Section 114 is repealed and the following is substituted:

114 When land is made subject to a mortgage or encumbrance that is signed by the owner, other than an encumbrance that secures periodic payments in respect of the maintenance of grounds or facilities in a subdivision,

(a) the owner shall surrender the duplicate certificate of title to the Registrar, and

(b) the Registrar shall not issue a new duplicate certificate of title until the land is no longer subject to the mortgage or encumbrance.

42 Section 115 is amended

(a) by repealing subsection (2) and substituting the following:

(2) If the land referred to in any power of attorney is specifically and properly described, the Registrar shall make a memorandum of the instrument on the certificate of title and on the duplicate certificate.

(b) in subsection (3) by striking out “transfer or to otherwise deal with the land” and substituting “deal with the land for the purposes specified in the power of attorney”;

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

(5) Where an irrevocable power of attorney

(a) is granted by a corporation in a registered mortgage or encumbrance, and

dealt with, refer to the certificate of title on which the estate or interest is held or shall give any other description necessary to identify the land, and a memorandum of the mortgage or encumbrance shall be made on the certificate of title in the register and on the duplicate certificate.

40 Section 108(1)(a) presently reads:

108(1) The Registrar shall discharge a mortgage or an encumbrance wholly or in part, or the land comprised therein wholly or in part, according to the tenor of the discharge, and shall make an entry of the discharge on the certificate of title affected by the discharge, in any of the following cases:

(a) on the production to the Registrar of a discharge in the prescribed form signed by the mortgagee or encumbrancee and accompanied by the proper affidavit of execution, but when it is expressly stated in a mortgage or an encumbrance to 2 or more mortgagees or encumbrancees that the money has been advanced on a joint account, it is sufficient if the discharge of the mortgage or encumbrance is signed by any one of the mortgagees or encumbrancees;

41 Section 114 presently reads:

114 When land is subject to a mortgage or encumbrance signed by the owner, the duplicate certificate of title shall be deposited with the Registrar, who shall retain it on behalf of all persons interested in the land mentioned in the certificate.

42 Section 115 presently reads:

115(1) The owner of land may authorize and appoint any person to act for him or on his behalf with respect to the transfer or other dealing with the land or with any part thereof, in accordance with this Act, by executing a power of attorney in the prescribed form, or as near thereto as circumstances permit, or in any form heretofore in use for the like purpose in which the land is not specially mentioned and described but is mentioned and referred to in general terms and the Registrar shall register any such power of attorney.

(2) If the land referred to in any power of attorney is specifically and properly described, the Registrar shall make a memorandum on the certificate of title and on the duplicate certificate of the particulars therein contained and of the time of its registration.

(3) Until a power of attorney in which the land referred to is so specifically described is revoked in the manner provided by subsection (4), the right of

(b) is to take effect when certain conditions, including default, occur,

a certificate by the mortgagee or encumbrancee may be filed with the Registrar in respect of land that is owned by the corporation,

(c) setting out the provisions from the mortgage or encumbrance that grant the power of attorney,

(d) certifying that the power of attorney is in effect by virtue of the conditions having occurred,

(e) where the mortgagee or encumbrancee is not the attorney, certifying the appointment of the person who is authorized to act as attorney pursuant to the power of attorney,

(f) describing the land in respect of which the power of attorney is to be exercised, and

(g) certifying that at least 15 days' notice has been given to the corporation of the intention of the attorney to file the certificate,

and the Registrar shall register the certificate and make a memorandum of the instrument on the certificate of title.

(6) A certificate registered under subsection (5)

(a) suspends the right of the owner to deal with the land for the purposes specified in the power of attorney,

(b) shall be sufficient authority for the Registrar to accept an instrument that is executed by the attorney for a purpose specified in the power of attorney, and

(c) subject to subsection (7), may be withdrawn by the mortgagee or encumbrancee at any time.

(7) The mortgagee or encumbrancee shall withdraw a certificate registered under subsection (5) when the conditions permitting the certificate to be filed no longer exist.

43 Section 116(4) and (5) are repealed and the following is substituted:

(4) On the registration of the application,

(a) the Registrar shall cancel the certificate of title that is in the name of the deceased owner and grant to the executor or administrator, in his capacity as the executor or administrator, a new certificate of title, and

(b) the executor or administrator, as the case may be, shall be deemed to be the owner of the land.

44 Section 117 is amended

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

117(1) When an estate or interest in land for which a certificate of title has been granted is transmitted in consequence of the will or intestacy of the deceased owner,

(a) the probate of the will of the deceased owner,

the owner to transfer or to otherwise deal with the land is suspended, but the execution or registration of a general power of attorney does not in any way affect the right of the owner to transfer or otherwise deal with his land.

(4) The power of attorney may be revoked by a revocation in the prescribed form and, after the registration of a revocation of a power of attorney, the Registrar shall not register any transfer or other instrument made under the power of attorney unless the transfer or other instrument was executed prior to the revocation.

43 Section 116(4) and (5) presently read:

(4) The Registrar shall thereupon enter on the certificate of title and on the duplicate thereof a memorial of the application for transmission, the date of the probate, letters of administration or order of the court, the date and hour of its production to him and any other particulars he considers necessary and shall also note the fact of registration by the usual memorandum under his hand on the probate, letters of administration, or order.

(5) On that memorandum being made, the executor or administrator, as the case may be, shall be deemed to be the owner of the land and the Registrar shall cancel the certificate of title in the name of the deceased owner, and grant to the executor or administrator, as such, a new certificate of title and issue to him a duplicate certificate.

44 Section 117 presently reads:

117(1) When a mortgage, encumbrance or lease affecting land for which a certificate of title has been granted is transmitted in consequence of the will or intestacy of the owner, the probate of the will of the deceased owner, or letters of administration, or the order of the court authorizing a person as aforesaid to administer the estate of the deceased owner, or a certified copy of the probate, letters of administration or order, as the case may be,

- (b) the letters of administration,
- (c) the order of the court authorizing a person to administer the estate of the deceased owner, or
- (d) a certified copy of the probate, letters of administration or order, as the case may be,

accompanied by an application in writing from the executor, administrator or other person applying to be registered as owner in respect of the estate or interest shall be filed with the Registrar, who shall thereupon make a memorandum on the certificate of title.

(b) in subsection (2) by striking out "mortgage, encumbrance or lease, and the Registrar shall note the fact of the registration by memorandum under his hand on the letters of administration, probate or order as aforesaid" and substituting "estate or interest in land".

45 *Section 118(3) is repealed.*

46 *Section 122 is amended*

- (a) by repealing subsections (2), (2.1) and (3);*
- (b) by repealing subsections (4), (5) and (6) and substituting the following:*

(4) If

- (a) an action is brought on a judgment before the date when the taking of the action would be barred by the Limitation of Actions Act,*
- (b) there is at the time when the action is brought a registered writ of execution that is still in force and issued on that judgment, and*
- (c) while that judgment is still in force or would be in force but for the obtaining of a judgment based on the judgment first mentioned in this clause the execution creditor registers a certified copy of a writ of execution issued on a judgment in the action,*

the writ of execution referred to in clause (c) has the same priority as affecting the land as the writ of execution referred to in clause (b), and the Registrar shall on the request of the creditor, endorse a memorandum to that effect on the certificate of title affected by the writ of execution.

- (c) by repealing subsection (7);*
- (d) by repealing subsection (8);*
- (e) by repealing subsection (9).*

accompanied by an application in writing from the executor or administrator or such other person, claiming to be registered as owner in respect of the estate or interest, together with a certificate of the Attorney General that all succession duties in respect of the mortgage, encumbrance or lease, as the case may be, have been paid or security given for the payment thereof, shall be produced to and left with the Registrar, who shall thereupon make a memorandum on the certificate of title and on the duplicate thereof of the date of the will and of the probate, or of the letters of administration, or order of the court as aforesaid, and the serial number of the instrument and the date on which the serial number was assigned to the instrument, with any other particulars as he considers necessary.

(2) On the memorandum being made, the executor, or administrator, or such other person, as the case may be, shall be deemed to be the owner of the mortgage, encumbrance or lease, and the Registrar shall note the fact of the registration by memorandum under his hand on the letters of administration, probate or order as aforesaid.

(3) Section 116(3) applies to transmissions under this section.

45 Section 118(3) presently reads:

(3) The Registrar, on the production of the order, shall cancel the certificate of title to the trustee after making thereon and on the duplicate thereof, if in his jurisdiction, a memorandum of the appointment by order of the court of such person or persons as owners, and shall grant a new certificate of title to the new trustee and issue to him a duplicate certificate of title.

46 Section 122 presently reads:

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.

(2) On and after the receipt by the Registrar of the copy of the writ,

(a) all legal and equitable interests of the execution debtor in any land there or thereafter registered in his name and including his interest, if any, as an unpaid vendor of the land, are bound by the execution, and

(b) no certificate of title shall be granted and no transfer, mortgage, encumbrance, lease or other instrument executed by the execution debtor of the land is effectual except subject to the rights of the execution creditor under the writ while it is legally in force,

and the Registrar, on granting a certificate of title and on registering any transfer, mortgage or other instrument executed by the debtor affecting the land, shall, by memorandum on the certificate of title in the register and on the duplicate issued by him, express that the certificate, transfer, mortgage, or other instrument is subject to those rights.

(2.1) Subsection (2)(b) does not apply where there is a material difference, within the meaning of section 24(3), between a name as it appears on a writ and the name as it appears on the instrument executed by the execution debtor.

(3) Every writ or renewal thereof ceases to bind or affect land at the expiration of 6 years from the date of the receipt thereof by the Registrar of the district in which the land is situated, unless before the expiration of that period of 6 years a renewal of the writ is registered with the Registrar in the same manner as the original is required to be registered with him.

(4) If an action is brought on a judgment before the date when the taking of the action would be barred by the Limitation of Actions Act, and there is at the time when the action is brought on file in the office of a Registrar of Land Titles a certified copy of a writ of execution that is still in force

47 Section 122.1 is repealed.

48 Section 124 is repealed.

and issued on that judgment and if, while that judgment is still in force or would be in force but for the obtaining of a judgment based thereon, the execution creditor files in the office of the Registrar a certified copy of a writ of execution issued on a judgment in the action, the last mentioned writ of execution has the same priority as affecting land situated within the land registration district as the writ of execution first hereinbefore mentioned and the Registrar shall endorse on it and enter in the execution register a memorandum to that effect.

(5) Every person delivering or transmitting any such writ shall deliver or transmit therewith an address where notice may be served on the judgment creditor, and the address shall be at some building of which the street and number, and in the case of an office building the number of the room, shall be given, or of which the location is otherwise accurately determined, which shall be known as his registered address, and no writ of execution shall be entered unless that address is furnished.

(6) A judgment creditor may from time to time change his registered address by giving notice in writing to the Registrar of a new address.

(7) A writ of execution a copy of which is transmitted to a Registrar 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.

(8) The Registrar shall not register any such writ unless a copy transmitted to him sets forth or has endorsed thereon in full the given name or names and surname of the debtor and his residence and occupation.

(9) The Registrar may, at any time in his discretion, before making any memorandum under this section, require evidence that the registered owner of the land to be affected thereby and the execution debtor are one and the same person, and on the exercise of any such discretion shall not make any memorandum until he is satisfied of the identity.

47 Section 122.1 presently reads:

122.1 Land described in a certificate of title ceases to be bound by an instrument registered in the general register to the extent necessary to give priority to any interest acquired by the registration of an instrument executed by the registered owner of the land or to any interest protected by the registration of a caveat if prior to the registration of the instrument or caveat

(a) a memorandum of the instrument registered in the general register has not been endorsed on the certificate of title,

(b) a caveat protecting the instrument registered in the general register has not been registered against the certificate of title, and

(c) in the case of an interest protected by the registration of a caveat, a general register certificate dated the same day as the registration of the caveat is obtained and it does not disclose the instrument registered in the general register.

48 Section 124 presently reads:

124(1) A registered owner of land whose dealings therewith are made or proposed to be made subject by the Registrar to an instrument entered in the general register may make an affidavit in duplicate in the prescribed form or to the like effect, and file it in the Land Titles Office for the land registration district in which his land is situated, or may mail it to the Registrar of the district in a fully prepaid registered letter.

49 *Section 124.1 is repealed.*

(2) On request the Registrar shall, without charge therefor, deliver or forward by mail to any registered owner, duplicate copies of the prescribed form, and shall send with the duplicate copies a copy of this section.

(3) On the receipt of such request, the Registrar shall forthwith notify the execution creditor, in the prescribed form or to the like effect, at the office of his solicitor as appearing by the copy of the execution filed, if the solicitor is in actual practice, otherwise at the personal address of the execution creditor as it there appears, that the execution will not affect the land referred to in the notice after the expiration of the time set out in the notice, unless in the meantime the execution creditor files with the Registrar a statement, in the prescribed form or to a like effect, verified by affidavit, continuing the execution in effect as against the land beyond the time set out in the notice.

(4) If the solicitor resides or carries on business in the city where the Land Titles Office in which the land is registered is situated, the execution ceases to affect the land at the expiration of 10 days from the date of the service of the notice, and in all other cases the execution ceases to affect the land at the expiration of 20 days from the date of the service and for the purpose of this subsection service shall be deemed to have been effected at 9 a.m. on the day following the day on which the letter containing the notice was delivered to the post office.

(5) If the execution creditor or his solicitor does not file with the Registrar the statement referred to in subsection (3), the execution no longer affects the land described in the notice and the Registrar shall accordingly make a memorandum on the certificate of title that the execution no longer binds the land mentioned therein.

(6) If the execution creditor does file the statement and the registered owner has made an affidavit in the prescribed form, then the Registrar shall make any further inquiry or investigation that seems proper to him, and if satisfied that the claim of the execution creditor is unfounded, he shall without charge make on the certificate of title a memorandum that the execution no longer binds the land described in the notice, and shall notify the execution creditor thereof.

(7) No action lies against the Registrar either personally or nominally under this Act, in respect of anything done by him under this section.

(8) A notice of any change of solicitors, in respect of an execution against land, that is certified by a sheriff or clerk of the court may be filed with the Registrar of the land registration district in which the execution is filed and on the notice being filed with the Registrar he shall note the change in the general register.

(9) The Registrar may in his discretion allow the person making the application a sum not exceeding \$3 in payment of his costs, and the sum shall be paid out of the assurance fund on certificate of the Registrar to the Provincial Treasurer.

(10) All registrations shall be without fee.

(11) Nothing in this section prevents any person from commencing or maintaining against any other person an action to have an execution removed from his land.

49 Section 124.1 presently reads:

124.1 When another Act provides that

- (a) an instrument may be registered in a Land Titles Office, and*
- (b) the effect of the registration is to charge generally or to bind in the same manner as a writ the property interests of a person named in the instrument,*

then, notwithstanding that other Act, section 124 of this Act applies, with all necessary modifications, to that instrument as if it were a writ.

50 Section 130(a) is amended by adding “or” at the end of subclause (ii) and repealing subclauses (iv) and (v).

51 Section 133 is repealed and the following is substituted:

133 If, in any caveat presented for registration, a caveator claims an interest under an unregistered mortgage or encumbrance, the fees payable for the registration of the caveat shall be the same as if a mortgage or encumbrance for an equivalent amount were being registered.

50 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,

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

(v) an instrument registered in the general register, where

(A) the creditor seeks to affect land owned by a debtor, and

(B) there is a material difference, within the meaning of section 24(3), between the name of the registered owner and the name of the debtor,

(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 is expressed to be subject to the claim of the caveator.

51 Section 133 presently reads:

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

52 *Section 136 is repealed and the following is substituted:*

136(1) Subject to subsection (2), the caveator or, if the caveat is signed by the caveator's attorney or agent, the attorney or agent may by notice in writing to the Registrar withdraw his caveat.

(2) In the case of a caveat in which

(a) the nature of the interest claimed is

(i) an easement,

(ii) a party wall agreement,

(iii) an encroachment agreement, or

(iv) a restrictive covenant running with or capable of being annexed to land,

and

(b) the dominant tenement is identified,

the caveat may be withdrawn only

(c) by the registered owner of the dominant tenement, or

(d) if the registered owner of the dominant tenement is the caveator and the caveat was signed by an attorney or agent, by the registered owner or the attorney or agent.

53 *Section 137 is amended*

(a) *in subsection (1)*

(i) *by striking out "deemed to have lapsed" and substituting "lapsed by the Registrar on application made";*

(ii) *in clause (b) by striking out "in the prescribed form,";*

(iii) *by striking out "before the expiration of the period of 60 days";*

(b) *by repealing subsection (3) and substituting the following:*

(3) In the case of a caveat registered to protect an easement, a party wall agreement or an encroachment agreement,

(a) if the dominant tenement is not identified in the caveat, subsection (1) applies, and

(b) if the dominant tenement is identified in the caveat, subsection (1) applies only if, in lieu of the notice's being served on or sent to the caveator, the notice is

(i) served as process is usually served on the registered owner of the dominant tenement, or

(ii) sent by registered mail to the registered owner of the dominant tenement at or to the address stated on the certificate of title or if a notice of change of address for service has been filed with the Registrar then at or to the address stated in the last notice of change of address for service filed in the Land Titles Office.

52 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.

53 Section 137(1) and (3) presently read:

137(1) Except as otherwise provided in this section and except in the case of a caveat lodged by the Registrar, as hereinafter provided, every caveat lodged against any land, mortgage or encumbrance shall be deemed to have lapsed after the expiration of 60 days after notice, in the prescribed form, to take proceedings in court on his caveat has been either

(a) served as process is usually served, or

(b) sent by registered mail, in the prescribed form, to the caveator at or to the address stated in the caveat or if a notice of change of address for service has been filed with the Registrar then at or to the address stated in the last notice of change of address for service filed in the Land Titles Office

unless before the expiration of the period of 60 days the caveator takes proceedings in court by originating notice, subject to the Alberta Rules of Court, or otherwise, to substantiate the title, estate, interest or lien claimed by his caveat and a certificate of his pendens in the prescribed form has been filed with the Registrar.

(3) In the case of a caveat registered to protect a restrictive covenant running with or capable of being annexed to land,

(a) subsection (1) does not apply; and

(b) the caveat may only be modified or discharged by an order of the court made under section 52.

54 *The following is added after section 137:*

137.1(1) In the case of a caveat that is registered to protect a restrictive covenant running with or capable of being annexed to land,

(a) section 137 does not apply, and

(b) where the dominant tenement is not identified in the caveat, section 136(1) does not apply.

(2) Subject to section 136(2), a caveat referred to in subsection (1) may be modified or discharged only by an order of the court made under section 52.

55 *Section 146.1 is amended by striking out “registering” and substituting “filing”.*

56 *Section 169 is amended*

(a) *in subsection (3) by adding “if he is satisfied that the purported ownership is correct” after “prescribed form”;*

(b) *in subsection (4) by adding “or has registered the disposition under subsection (5)” after “subsection (3)”;*

(c) *by repealing subsections (5) and (6) and substituting the following:*

(5) No disposition of an interest in mines and minerals executed on or after March 29, 1949 shall be registered except by way of a caveat unless the Registrar is satisfied that the person purporting to dispose of the interest is the correct registered owner.

(6) Notwithstanding subsection (5), a disposition of the surface of land including mines and minerals may be registered but in that case no action lies against the Registrar in respect of the interest in mines and minerals until the Registrar has issued a mineral certificate.

57 *Section 171 is amended*

(a) *by repealing clause (d.1);*

(b) *by adding “or” at the end of clause (e) and by adding the following after clause (e):*

(f) *by reason of the registration of an instrument executed by an attorney if*

(i) *the instrument is for a purpose specified in the power of attorney, and*

(ii) *the certificate referred to in section 115(5) has been registered.*

58 *Section 178(1) is amended by striking out “not erase or render illegible” and substituting “keep a record of”.*

54 Caveat protecting a restrictive covenant.

55 Section 146.1 presently reads:

146.1 A person registering or continuing a certificate of lis pendens without reasonable cause is liable to make compensation to any person who may have sustained damage thereby.

56 Section 169(3), (4), (5) and (6) presently read:

(3) The Registrar shall search and examine the register to ascertain as at the date of the purported disposition the ownership of the mines and minerals purporting to be dealt with by the disposition and he shall issue a mineral certificate in the prescribed form.

(4) Notwithstanding subsection (1), no action arising out of a disposition of an interest in mines and minerals executed on or after March 29, 1949, lies against the Registrar for any loss or damage sustained by reason of any error, omission or misdescription in the register relating to the interest in mines and minerals, unless the Registrar has issued in respect of that disposition the mineral certificate provided for in subsection (3).

(5) No disposition of mines and minerals executed on or after March 29, 1949, shall be registered except by way of caveat unless it is accompanied by the mineral certificate in respect of that disposition provided for in subsection (3).

(6) Notwithstanding subsection (5), a disposition of the surface of land including mines and minerals that is not accompanied by the mineral certificate may be registered but in that case subsection (4) applies and no action lies against the Registrar in respect of the interest in mines and minerals until the Registrar has issued the mineral certificate.

57 Section 171(d.1) presently reads:

171 The assurance fund is not under any circumstances liable for compensation for loss, damage or deprivation

(d.1) by reason of the registration of an instrument where there is a material difference, within the meaning of section 24(3), between the name of a person described in that instrument and the name of a person described in an instrument registered in the general register, or

58 Section 178(1) presently reads:

178(1) In the correction of any error or in the making of any cancellation, correction, or completion or in the making of any entry or addition, the Registrar shall not erase or render illegible the original words and he shall mark the date on which the cancellation, correction, completion, entry or addition was made or supplied.

59 *Section 180.1(3) is repealed and the following is substituted:*

(3) This section does not apply to

(a) an order removing a builders' lien or removing a certificate of lis pendens with respect to a builders' lien, or

(b) a judgment, order or certificate that expressly states that it shall be registered notwithstanding the requirements of subsection (1).

60 *Section 188 is repealed.*

61 *Section 189 is amended by striking out "accidental".*

59 Section 180.1(3) presently reads:

(3) This section does not apply to

- (a) an order removing a builders' lien or removing a certificate of lis pendens with respect to a builders' lien, or*
- (b) a judgment, order or certificate that expressly states that it shall be registered*

notwithstanding the requirements of subsection (1).

60 Section 188 presently reads:

188(1) The registered owner of

- (a) a quarter section,*
- (b) a river lot shown on an official plan referred to in section 32 of the Surveys Act that is filed or lodged in a Land Titles Office,*
- (c) a settlement lot shown on an official plan referred to in section 32 of the Surveys Act that is filed or lodged in a Land Titles Office,*
- (d) a part of the parcel described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision,*
- (e) a part of the parcel described in a certificate of title if the boundaries of the part are described in the certificate of title by reference to a plan of subdivision, or*
- (f) 2 or more parcels of land held under one or more certificates of title,*

may apply to the Registrar to cancel the existing certificate or certificates of title and issue one or more new certificates in accordance with this section.

(2) On an application under subsection (1) and on the delivery of the one or more duplicate certificates of title relating to the land, the Registrar may

- (a) cancel the one or more certificates of title and duplicates thereof,*
- (b) grant to the registered owner one or more certificates of title to the land that is the subject of the application, and*
- (c) enter on every certificate granted pursuant to clause (b) a memorandum of every encumbrance, lien, charge, mortgage or other instrument affecting the parcels stating*
 - (i) the cancellation of the one or more certificates under clause (a), and*
 - (ii) the issue of the one or more certificates of title under clause (b).*

(3) No one certificate issued to any person under this section shall include or refer to a greater area than 260 hectares of land.

61 Section 189 presently reads:

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.

62 *Section 193 is repealed and the following is substituted:*

193 A reproduction of an instrument or caveat

(a) that is made from an original or duplicate record that is required to be kept by the Registrar, and

(b) that is certified by the Registrar as being an accurate reproduction of the instrument or caveat,

is admissible in evidence in any court or proceeding in the same manner as if it were an original.

63 *Section 197(3) is amended by striking out “and signed”.*

64 *The following is added after section 199:*

199.1 Where a court gives a direction to the Registrar with respect to land, it shall in the direction give a description of the land that is sufficient to identify the land.

65 *Section 202.1 is amended by renumbering it as section 202.1(1) and by adding the following after subsection (1):*

(2) Any person who without lawful authority

(a) destroys or alters the contents of, or

(b) removes from where it is stored or recorded,

any instrument, caveat or other land titles record, is guilty of an offence and subject to a fine of not more than \$10 000 or to imprisonment for a term of not more than 6 months, or to both a fine and imprisonment.

66 *Section 203 is repealed and the following is substituted:*

203 The Lieutenant Governor in Council may make regulations

(a) prescribing forms to be used under this Act;

(b) authorizing instruments and caveats, or either of them, to be registered or filed in a land registration district other than the one where the land in respect of which the instrument or caveat is prepared is situated;

(c) prescribing for the purposes of section 20(2) the period of time that must pass before the original of an instrument or caveat may be destroyed.

67 *Section 205 is amended*

(a) *in subsection (1), by striking out “deposited for transmission by registered mail at the post office in the place in which the Land Titles Office is situated, in a duly prepared cover” and substituting “sent by regular mail”;*

62 Section 193 presently reads:

193 A photostatic copy of an instrument or caveat or a print, whether enlarged or not, from a photographic film of an instrument or caveat, if the photostatic copy or photographic print is attested under the signature of the Registrar who has the instrument or caveat in his possession, is admissible in evidence in all cases in which and for all purposes for which the instrument or caveat copied or photographed would have been received.

63 Section 197(3) presently reads:

(3) After the entry of the words "no survivorship" has been made and signed by the Registrar pursuant to this section it is not lawful for any less number of joint owners than the number entered to transfer or otherwise deal with the land without obtaining the sanction of the court.

64 Court orders to contain the legal description of land.

65 Section 202.1 presently reads:

202.1 Any person who knowingly makes a false statement in

(a) an instrument or a caveat, or

(b) a written representation prepared in respect of

(i) an instrument or a caveat, or

(ii) a submission to the Registrar to enter a memorandum on a certificate of title.

that could reasonably have the effect of misleading another person is guilty of an offence and subject to a fine of not more than \$10 000 or to imprisonment for a term of not more than 6 months or to both a fine and imprisonment.

66 Section 203 presently reads:

203(1) The Lieutenant Governor in Council may make regulations prescribing forms to be used under this Act.

(2) The Lieutenant Governor in Council may make regulations governing the preparation of descriptive plans under section 83.1.

67 Section 205 presently reads:

205(1) Any person having a registered interest in any land may file with the Registrar of the proper Land Titles Office a notice giving his address for service, and any notice that is required to be given by the Registrar pursuant to this or any other Act shall be deemed to have been duly served on the notice being deposited for transmission by registered mail at the

(b) by repealing subsection (2) and substituting the following:

(2) The Registrar may require that the notice contain a description of the registered interest and the land in which the person claims to be interested.

(3) Where a description is given under subsection (2), the notice shall have effect only as to the interest and the land mentioned in the notice.

68 *The Matrimonial Property Act is amended by repealing section 35(2) and (3) and substituting the following:*

(2) When the Registrar accepts a certificate of lis pendens for registration under this section, the Registrar shall make a memorandum of the certificate of lis pendens on the certificate of title to which it relates.

(3) If a certificate of lis pendens has been registered under this section, any instrument that

(a) is registered after the registration of the certificate of lis pendens, and

(b) purports to affect land included in the certificate of title, is subject to the claim of the spouse who filed the certificate of lis pendens.

69 *The Municipal Government Act is amended by adding the following after section 25:*

25.01 If the boundaries of a municipality are altered so that

(a) a public utility parcel, environmental reserve or municipal reserve formerly in that municipality becomes situated in another municipality, improvement district or special area, or

(b) a public utility parcel, environmental reserve or municipal reserve formerly situated within an improvement district or special area becomes situated in the municipality,

the registered owner of the public utility parcel, environmental reserve or municipal reserve shall transfer it to the municipality in which it is situated or, if it is in an improvement district or special area, to the Crown.

70 *The Planning Act is amended in section 1(p) by striking out “section 75 or 83 of”.*

71 *The Public Trustee Act is amended by repealing section 11(6) and substituting the following:*

(6) The Registrar of Titles

(a) shall, on receipt of a certificate referred to in subsection (3), make a memorandum of the certificate on the certificate of title to the land to which the certificate relates, and

(b) shall not after the registration of the certificate referred to in subsection (3) accept for registration, unless authorized by the Public Trustee, any instrument that

(i) is executed by the mentally incompetent person, and

post office in the place in which the Land Titles Office is situated, in a duly prepared cover addressed to the person at his address for service, if any; and if he has no address for service then at his address as shown by the registered instruments.

(2) 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.

68 Consequential amendment to chapter M-9 of the Revised Statutes of Alberta 1980.

69 Consequential amendment to chapter M-26 of the Revised Statutes of Alberta 1980. This provision will replace the present section 92(4) of the Land Titles Act.

70 Consequential amendment to chapter P-9 of the Revised Statutes of Alberta 1980.

71 Consequential amendment to chapter P-36 of the Revised Statutes of Alberta 1980.

(ii) affects the land that is included in the certificate of title on which the memorandum of the certificate was made.

72(1) Subject to subsections (2) and (3), this Act comes into force on Proclamation.

(2) The following provisions of this Act come into force at the time that section 17.3 of the Land Titles Act as enacted by section 9 of this Act comes into force:

section 23;
section 46(b) and (d);
section 50;
section 64;
section 68;
section 71.

(3) The following provisions of this Act come into force 3 years from the day that section 17.3 of the Land Titles Act as enacted by section 9 of this Act comes into force:

section 15;
section 30;
section 46(a), (c) and (e);
section 47;
section 48;
section 49;
section 57(a).

72 Coming into force.