

1999 BILL 10

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Third Session, 24th Legislature, 48 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 10**

**LAND TITLES AMENDMENT ACT,**

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MRS. O'NEILL

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First Reading .....  
Second Reading .....  
Committee of the Whole .....  
Third Reading .....  
Royal Assent .....

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*Bill 10*  
*Mrs. O'Neill*

## **BILL 10**

1999

### **LAND TITLES AMENDMENT ACT, 1999**

*(Assented to , 1999)*

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

Amends RSA  
1980 cL-5

**1 The *Land Titles Act* is amended by this Act.**

**2 Section 1 is amended**

**(a) by repealing clause (e);**

**(b) in clause (o) by striking out “and on the duplicate  
certificate thereof”.**

**3 Section 16(6) is repealed.**

## Explanatory Notes

**1** Amends chapter L-5 of the Revised Statutes of Alberta 1980.

**2** Section 1(e) and (o) presently read:

*1 In this Act,*

*(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;*

*(o) “memorandum” means the endorsement on the certificate of title and on the duplicate certificate thereof of the particulars of an instrument or caveat presented for registration;*

**3** Section 16(6) presently reads:

*(6) Until the duplicate certificate of title for the land affected is produced to him so as to enable him to enter the proper memorandum on the duplicate certificate, unless required to do so by order of a court, the Registrar shall not receive or enter in the record any instrument except*

*(a) executions against land, builders' liens, easements and instruments referred to in section 72,*

*(b) transfers by a civil enforcement agency or municipal officer, or by order of a court,*

**4 Section 18 is repealed and the following is substituted:**

Search

**18** On receiving a request for a search and the payment of the prescribed fee and on the fulfilment of any conditions, criteria or qualifications prescribed by regulation, the Registrar shall furnish a search of the information contained in the register.

**5 Section 28 is repealed.**

**6 Section 32(2) is repealed and the following is substituted:**

(2) If a person has obtained a patent under a homestead or under a homestead and pre-emption entry in accordance with any statutory provision, a certificate of title shall be issued to the party free of all fees and charges that under this Act are otherwise required to be paid.

**7 Section 39(4) is amended by striking out “and issue a duplicate certificate of title”.**

- (c) transfers on sales of land for taxes,*
- (d) tax arrears notifications and other notices and cancellations under the Mineral Taxation Act, and*
- (e) maps or plans that do not require to be registered, or certificates or orders of a court.*

**4** Section 18 presently reads:

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

**5** Section 28 presently reads:

*28 When a memorandum has been entered in the register the Registrar shall make a like memorandum on the duplicate certificate when it is presented to him for the purpose, and the Registrar shall sign and seal the memorandum, which shall be received in evidence in all courts of law as conclusive proof of its contents and of the fact that the instrument or caveat of which it is a memorandum has been duly registered under this Act.*

**6** Section 32(2) presently reads:

*(2) If a person has obtained a patent under a homestead or under a homestead and pre-emption entry in accordance with any statutory provision, a duplicate certificate shall be issued to the party free of all fees and charges by this Act provided to be paid, and in the case of other patentees the duplicate certificate shall be issued on the payment of the fees fixed by the Lieutenant Governor in Council.*

**7** Section 39(4) presently reads:

*(4) If any person other than the applicant is admitted or appears to be interested in the land, then if his interest is by virtue of a mortgage, encumbrance, lease, or charge created by any other instrument and the instrument is at the time of the application of record in the office of the Registrar to whom the application is made, or, if not of record, the instrument is produced to the Registrar, and if the applicant desires to have his title registered, subject to the interest of the other person, the Registrar, if he entertains no doubt as to the extent and nature of the interest or of the title of the applicant, may register the title and grant a certificate of title and issue a duplicate certificate of title subject to the interest.*

**8 Section 45 is repealed.**

**9 Section 46 is repealed and the following is substituted:**

Granting  
certificate on  
transfer

**46** On every transfer of land mentioned in a certificate of title, the certificate of title to be issued shall be issued by the Registrar.

**10 Section 50 is repealed and the following is substituted:**

Transfer of  
ownership

**50** On a transfer of ownership, the certificate of title of the transferor shall be cancelled in respect of the land transferred and a new certificate of title shall be issued to the transferee.

**11 Section 51 is amended by striking out “or on a duplicate certificate”.**

**12 Section 52 is amended by adding the following after subsection (2):**

(2.1) Notwithstanding subsection (2), before a memorandum of a condition or covenant may be entered on a certificate of title under subsection (2), certificates of title must exist for all the parcels of land affected by the condition or covenant, including the parcel of land that comprises the servient tenement and the parcel of land that comprises the dominant tenement.

**8** Section 45 presently reads:

*45 After registration of a title the Registrar on application by the owner or his authorized agent shall make out, sign, officially seal and deliver to him a duplicate of the certificate of title in the register, on which shall be entered all memoranda endorsed on or attached to the certificate of title.*

**9** Section 46 presently reads:

*46(1) On every transfer of land mentioned in a certificate of title the certificate of title to be granted shall be granted by the Registrar and a duplicate certificate shall be issued to the transferee on application.*

*(2) Where the Registrar requires him to do so, an owner shall sign a receipt for a duplicate certificate of title before it is delivered to him.*

**10** Section 50 presently reads:

*50(1) On a transfer of ownership, the certificate of title of the transferor and the duplicate certificate thereof shall be cancelled in respect of the land transferred and a new certificate of title shall be granted to the transferee.*

**11** Section 51 presently reads:

*51 No memorandum or entry shall be made, on a certificate of title or on a duplicate certificate, of any notice of trusts, whether expressed, implied or constructive, but the Registrar shall treat any instrument containing any such notice as if there were no trust, and the trustee or trustees therein named shall be deemed to be the absolute and beneficial owners of the land for the purposes of this Act.*

**12** Section 52 presently reads:

*52(1) There may be registered as annexed to any land that is being or has been registered, for the benefit of any other 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.*

**13 Section 72.3 is amended by renumbering it as section 72.3(1) and by adding the following after subsection (1):**

(2) Notwithstanding subsection (1), before an encroachment agreement may be registered against a parcel of land under subsection (1)(a), certificates of title must exist for all parcels of land affected by the agreement, including the parcel of land that is subject to the encroachment and the parcel of land that is to benefit from the encroachment.

**14 Section 76(1) is repealed and the following is substituted:**

New  
certificates re  
consolidations,  
etc.

**76(1)** On the application by or on behalf of the registered owner of 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 one or more new certificates of title.



*(2) When any such condition or covenant is presented for registration, the Registrar shall enter a memorandum thereof on the proper certificate or certificates of title.*

*(3) The first owner, and every transferee, and every other person deriving title from him or through tax sale proceedings, shall be deemed to be affected with notice of the condition or covenant, and to be bound thereby if it is of such nature as to run with the land, but any such condition or covenant may be modified or discharged by order of the court, on proof to the satisfaction of the court that the modification will be beneficial to the persons principally interested in the enforcement of the condition or covenant or that the condition or covenant conflicts with the provisions of a land use by-law or statutory plan under Part 17 of the Municipal Government Act, and the modification or discharge is in the public interest.*

*(4) The entry on the register of a condition or covenant as running with or annexed to land does not make it run with the land, if the covenant or condition on account of its nature, or of the manner in which it is expressed, would not otherwise be annexed to or run with the land.*

*(5) No such condition or covenant shall be deemed to be an encumbrance within the meaning of this Act.*

**13** Section 72.3 presently reads:

*72.3 An encroachment agreement executed by the registered owner of a parcel of land to permit the encroachment of improvements made on an adjoining parcel of land*

*(a) may be registered against the parcels of land affected by that agreement, and*

*(b) after registration shall be binding on and enure to the benefit of all persons subsequently acquiring interests in the parcels of land affected by that agreement to the same extent as if it were an easement.*

**14** Section 76(1) presently reads:

*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*

**15 Section 78(1)(b)(ii) is amended by adding “or in a digital format” after “or material”.**

**16 Section 79 is repealed and the following is substituted:**

Requirements  
re plan

**79** Notwithstanding anything in this or any other Act, where a plan is required to be signed, consented to or certified or otherwise endorsed, the Registrar may instead require that the signature, consent, certificate or endorsement be executed or otherwise placed, in a manner acceptable to the Registrar, on an attachment that references the plan.

**17 Section 83(1) is amended by adding “and” at the end of clause (d), by striking out “and” at the end of clause (e) and by repealing clause (f).**

*or interest and issuing in substitution for that certificate of title  
1 or more new certificates of title.*

**15** Section 78(1)(b)(ii) presently reads:

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

*(b) is prepared*

*(ii) on a medium or material approved by the  
Registrar,*

**16** Section 79 presently reads:

*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.*

**17** Section 83(1) presently reads:

*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.*

**18 Section 84(2) is repealed and the following is substituted:**

(2) A plan of survey that is submitted for registration under this section must be signed by the registered owner of the land.

**19 Section 101 is amended by striking out “and on the duplicate thereof when presented to him for that purpose,”.**

**20 Section 103(1) is amended by striking out “and on the duplicate certificate”.**

**21 Section 109(2) is repealed.**

**22 Section 114 is repealed.**

**18** Section 84(2) presently reads:

*(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.*

**19** Section 101 presently reads:

*101 The Registrar, on proof to his satisfaction of lawful re-entry and recovery of possession pursuant to section 100(b) by a lessor, or his transferee by a legal proceeding, shall make a memorandum of the fact on the certificate of title and on the duplicate thereof when presented to him for that purpose, and the estate of the lessee in the land thereupon determines and the Registrar shall cancel the lease if delivered up to him for that purpose, but the lessee is not hereby released from his liability in respect of the breach of any covenant in the lease, expressed or implied.*

**20** Section 103(1) presently reads:

*103(1) When a lease or demise required to be registered by this Act is intended to be surrendered and the surrender thereof is effected otherwise than through the operation of a surrender in law, the Registrar shall, on the production to him of the surrender in the prescribed form, make a memorandum of the surrender on the certificate of title in the register and on the duplicate certificate.*

**21** Section 109(2) presently reads:

*(2) The Registrar shall in any or either such case as aforesaid endorse on the duplicate certificate a similar memorandum whenever the duplicate certificate is presented to him for that purpose.*

**22** Section 114 presently reads:

*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,*

**23 Section 115(2) is amended by striking out “and on the duplicate certificate”.**

**24 Section 116(2) is amended by striking out “duplicate certificate of title for the land in respect of which the application is made and”.**

**25 Section 120.1 is amended by striking out “the duplicate certificate of title and”.**

**26 Section 128 is amended**

- (a) in subsection (1) by adding “and” at the end of clause (a) and by repealing clause (b);**
- (b) in subsection (2) by adding “and” at the end of clause (d) and by repealing clause (e).**

*(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.*

**23** Section 115(2) presently reads:

*(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.*

**24** Section 116(2) presently reads:

*(2) The personal representative before dealing with the land shall apply in writing, executed by himself or his solicitor, to the Registrar to be registered as owner and shall produce to and leave with the Registrar the duplicate certificate of title for the land in respect of which the application is made and probate of the will of the deceased owner, or letters of administration, or order of the court authorizing him 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.*

**25** Section 120.1 presently reads:

*120.1 When*

*(a) an estate or interest in land for which a certificate of title has been granted is in the name of joint tenants, and*

*(b) a joint tenant of that estate or interest dies,*

*the Registrar, on application in writing accompanied by the duplicate certificate of title and any documentation and other information that is requested by or that is otherwise satisfactory to the Registrar, shall cancel the certificate of title and grant a new certificate of title in the name of the surviving joint tenant.*

**26** Section 128 presently reads:

*128(1) When a married person who is the owner of an interest in land adopts the surname of the spouse, the Registrar may make a memorandum of the change of name on the appropriate certificate of title on production of*

*(a) an affidavit by that person verifying*

**27 Section 128.1 is amended by repealing clause (b) and substituting the following:**

- (b) provides to the Registrar documentation that is satisfactory to the Registrar showing that the person's name was changed under that statute or other legislation and setting forth that person's name as changed,



- (i) *the date of the marriage,*
  - (ii) *the place where the marriage was solemnized, and*
  - (iii) *the spouse's full name,*
  - (b) *the duplicate certificate of title, and*
  - (c) *a certificate of marriage or any other evidence that the Registrar may require to substantiate the identity of that person.*
- (2) *When an interest in land is registered in the name of a person under the surname of that person's spouse or former spouse and that person now uses*
- (a) *her original surname,*
  - (b) *a hyphenated surname that incorporates her original surname and the surname of her spouse or former spouse, or*
  - (c) *the surname of a spouse from a previous marriage,*
- the Registrar may make a memorandum of the change of name on the appropriate certificate of title on the production of*
- (d) *an affidavit by that person verifying the surname now used by that person,*
  - (e) *the duplicate certificate of title, and*
  - (f) *a certificate of marriage or any other evidence that the Registrar may require to substantiate the identity of that person.*

**27** Section 128.1 presently reads:

- 128.1 When a person who is the owner of an interest in land*
- (a) *changes a name pursuant to a statute in Alberta or legislation in another jurisdiction, and*
  - (b) *provides to the Registrar*
    - (i) *documentation that is satisfactory to the Registrar showing that the person's name was changed under that statute or other legislation and setting forth that person's name as changed, and*
    - (ii) *the duplicate certificate of title,*
- the Registrar may make a memorandum of the change of name on the appropriate certificate of title.*

**28 Section 147 is amended by striking out “and on the duplicate thereof”.**

**29 Section 154(3) is amended by striking out “duplicate”.**

**30 Section 175(d) is amended by striking out “or duplicate thereof”.**

**28** Section 147 presently reads:

*147 On the withdrawal, lapse or removal of a caveat, or on the making of any order by the court in connection therewith, a memorandum of the withdrawal, lapse, removal or order, as the case may be, shall be made by the Registrar on the certificate of title and on the duplicate thereof.*

**29** Section 154(3) presently reads:

*(3) The oaths or affirmations may be in the prescribed form, and shall be necessary in all cases when a new duplicate certificate of title is required to be issued, whether or not any fees are payable under this section in respect of the land.*

**30** Section 175 presently reads:

*175 If a question arises with regard to the performance of any duty or the exercise of any function by this Act conferred or imposed on a Registrar, or if in the exercise of any duty of a Registrar a question arises*

- (a) as to the true construction or legal validity or effect of any instrument or caveat,*
- (b) as to the persons entitled to the estate, right or interest,*
- (c) as to the extent or nature of the estate, right or interest, power or authority of any person or class of persons,*
- (d) as to the mode in which any entry or memorandum ought to be made in the record or register, or on any certificate of title or duplicate thereof, or*
- (e) as to any doubtful or uncertain right or interest stated or claimed to be dealt with by the Registrar,*

*the Registrar may, by a reference in the prescribed form, refer the question to a judge of the Court of Queen's Bench, who may allow any of the parties interested to appear before him and summon any other of such persons to appear and show cause, either personally or by counsel, in relation thereto, and the judge, having regard to the persons appearing before him, whether summoned or not, shall decide the question or direct any proceedings to be instituted for that purpose and direct the particular form of entry or memorandum to be made that under the circumstances appears to be just.*

**31 Section 176 is amended by striking out “, duplicate certificate” wherever it occurs.**

**32 Section 177 is repealed and the following is substituted:**

Correction of  
instrument

**177(1)** If it appears to the satisfaction of the Registrar

- (a) that any instrument has been issued in error or contains any misdescription of land or boundaries,
- (b) that any entry, memorandum or endorsement has been made in error on or omitted from any instrument,
- (c) that any instrument, entry, memorandum or endorsement has been fraudulently or wrongfully obtained, or
- (d) that any instrument is fraudulently or wrongfully retained,

the Registrar may by written demand, that may be in the prescribed form and that shall be served on the person or be mailed to the person's last known post office address, require the person to whom the instrument has been issued, or by whom it has been obtained or is retained, to deliver it up for the purpose of being cancelled, corrected or completed, as the case requires.

(2) If any person refuses or neglects to comply with the written demand or cannot be found, the Registrar may apply to a judge to issue a summons for that person to appear before the judge and show cause why the instrument should not be delivered up to be cancelled, corrected or completed.

(3) If the person when served with the summons either personally or in the manner directed in the summons neglects or refuses to attend before the judge at the time set out in the summons, the judge may issue a warrant authorizing and directing the person so summoned to be apprehended and brought before the judge for examination.

**31** Section 176 presently reads:

*176 In the case of any certificate of title, duplicate certificate or other instrument that, pursuant to section 65, is declared to be subject to the reservations contained in the original grant from the Crown, the Registrar may make a memorandum or endorsement on the certificate of title, duplicate certificate or other instrument expressly declaring the reservations or implied conditions to which the land is subject.*

**32** Section 177 presently reads:

*177(1) If under any of the provisions of this Act the Registrar requires a duplicate certificate for the purpose of making any memorandum thereon or for the purpose of wholly or partially cancelling it or if it appears to the satisfaction of the Registrar*

- (a) that any duplicate certificate or other instrument has been issued in error or contains any misdescription of land or boundaries,*
- (b) that any entry, memorandum, or endorsement has been made in error on or omitted from any duplicate certificate or other instrument,*
- (c) that any such duplicate certificate, instrument, entry, memorandum or endorsement has been fraudulently or wrongfully obtained, or*
- (d) that any such duplicate certificate or instrument is fraudulently or wrongfully retained,*

*the Registrar may by written demand, which may be in the prescribed form and which shall be served on the person or be mailed to his last known post office address, require the person to whom the duplicate certificate or other instrument has been issued, or by whom it has been obtained or is retained, to deliver it up for the purpose of being cancelled, corrected or completed, as the case requires.*

*(2) If any person refuses or neglects to comply with the written demand or cannot be found, the Registrar may apply to a judge to issue a summons for that person to appear before him and show cause why the duplicate certificate or other instrument should not be delivered up to be cancelled, corrected or completed.*

*(3) If the person when served with the summons either personally or in the mode directed in the summons neglects or refuses to attend before the judge at the time therein appointed, the judge*

(4) In the case of any instrument that comes within the provisions of subsection (1), the Registrar, whether or not the instrument is in the Registrar's custody or has been produced to the Registrar in answer to the Registrar's written demand, so far as practicable without prejudicing rights conferred for value, may do one or more of the following:

- (a) cancel, correct or complete the register;
- (b) wholly or partially cancel any instrument;
- (c) correct any error or make any entry or addition in the instrument or in any entry, memorandum or other endorsement thereon or in any memorial, exemplification or copy of any instrument;
- (d) supply entries omitted.

**33 Section 178(2) is amended by striking out** "duplicate certificate or other".

**34 Section 179 is amended**

- (a) **by striking out** "duplicate certificate or other" **wherever it occurs;**
- (b) **by striking out** "issue if necessary a" **and substituting** "issue if necessary any".

*may issue a warrant authorizing and directing the person so summoned to be apprehended and brought before the judge for examination.*

*(4) In the case of any duplicate certificate or other instrument within the provisions of subsection (1) the Registrar, whether or not the duplicate certificate or other instrument is in his custody or has been produced to him in answer to his written demand, so far as practicable without prejudicing rights conferred for value, may cancel, correct or complete the register, and may wholly or partially cancel any duplicate certificate or other instrument and may correct any error or make any entry or addition in the duplicate certificate or other instrument or in any entry, memorandum or other endorsement thereon or in any memorial, duplicate certificate, exemplification or copy of any instrument made in or issued from the Land Titles Office and may supply entries omitted.*

**33** Section 178(2) presently reads:

*(2) Every cancellation, correction or completion in the register and every duplicate certificate or other instrument or entry cancelled, corrected, completed or added to has the like validity and effect as if the error had not been made or as if the entry or addition had not been omitted.*

**34** Section 179 presently reads:

*179 On the appearance before a judge of any person summoned or brought up by virtue of a warrant as aforesaid the judge may examine that person on oath and if it appears right to do so may order him to deliver up the duplicate certificate or other instrument as aforesaid, and on his refusal or neglect to deliver it up, pursuant to the order, or to be put under oath, or to be examined, or to answer any question touching the matter after being sworn, may commit him to the nearest common jail for any period not exceeding 6 months, unless the duplicate certificate or other instrument is sooner delivered up or sufficient explanation is made why this cannot be done, and in that case, or if the person has absconded so that summons cannot be served on him as hereinbefore directed, or if a period of 3 months from the time of mailing the demand to him has elapsed without the duplicate certificate or other instrument having been returned to the Registrar, the judge may direct the Registrar to cancel or correct or complete the duplicate certificate or other instrument in his possession or any memorandum thereon relating to the land and to substitute and issue if necessary a duplicate certificate or other*

**35 Section 180(1) is amended by striking out “duplicate certificate or make any memorandum or entry thereon or on the certificate of title” and substituting “certificate of title or make any memorandum or entry on it”.**

**36 Section 189 is repealed.**

**37 Section 194(b) is amended by striking out “certificate or duplicate certificate of title, if any,” and substituting “certificate of title”.**

**38 Section 196 is amended by striking out “the duplicate” and substituting “a certified copy of the”.**



*instrument or make whatever memorandum the circumstances of the case require, and the Registrar shall obey the order.*

**35** Section 180(1) presently reads:

*180(1) In any proceeding respecting land or in respect of any transaction or contract relating thereto, or in respect of any instrument, caveat, memorandum or entry affecting land, the judge by decree or order may direct the Registrar to cancel, correct, substitute or issue any duplicate certificate or make any memorandum or entry thereon or on the certificate of title and otherwise to do every act necessary to give effect to the decree or order.*

**36** 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 loss or destruction of the duplicate certificate issued, the Registrar may issue a new duplicate certificate in place of the one lost or destroyed.*

**37** Section 194 presently reads:

*194 When the Crown is the owner of a mineral,*

*(a) no person shall register, nor shall the Registrar accept for registration any lease, assignment, caveat or encumbrance affecting that mineral or any interest therein, and*

*(b) the Registrar may correct the register by cancelling the registration of a lease, assignment, caveat or encumbrance in so far as it affects a Crown mineral or any interest therein and by making any necessary memorandum or endorsement on the certificate or duplicate certificate of title, if any, and on any other instrument.*

**38** Section 196 presently reads:

*196 In an action for specific performance brought by an owner of land in whose name a certificate of title has been granted against a person who has contracted to purchase the land, not having notice of any fraud or other circumstances that according to this Act would affect the right of the transferor, the duplicate certificate of title of the owner is evidence that the owner has a good and valid title to the land for the estate or interest therein mentioned or described.*

**39 Section 197 is amended**

- (a) in subsection (1) by striking out “in the duplicate certificate issued to the joint owners pursuant to the transfer and”;
- (b) in subsection (2) by striking out “on the duplicate certificate and also”.

**40 Section 198 is amended by striking out “and on the duplicate certificate when it is produced to him”.**

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

Regulations

**203** The Lieutenant Governor in Council may make regulations

- (a) prescribing forms to be used under this Act;
- (b) 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;
- (c) prescribing conditions, criteria or qualifications that are to be fulfilled in order for a search of information to be furnished under section 18.

**39** Section 197(1) and (2) presently read:

*197(1) On the transfer of land for which a certificate of title has been granted to 2 or more persons as joint owners, to be held by them as trustees, the transferor may insert in the transfer or other instrument, the words "no survivorship" and the Registrar shall in that case include the words in the duplicate certificate issued to the joint owners pursuant to the transfer and in the certificate of title.*

*(2) Any 2 or more persons registered as joint owners of land held by them as trustees may by writing under their hand authorize the Registrar to enter the words "no survivorship" on the duplicate certificate and also on the certificate of title.*

**40** Section 198 presently reads:

*198 Before making any order as aforesaid the court shall, if it seems requisite, cause notice of intention to do so to be properly advertised, and appoint a period of time within which any person interested may show cause why the order should not be made, and thereupon the court may order the transfer of the land to any new owner or owners, solely or jointly with or in the place of any existing owner or owners, or may make any order in the premises that the court thinks just for the protection of the persons beneficially interested in the land or in the proceeds thereof, and on the order being deposited with the Registrar he shall make a memorandum thereof on the certificate of title and on the duplicate certificate when it is produced to him, and on the memorandum being made the person or persons named in the order shall be the owner or owners of the land.*

**41** Section 203 presently reads:

*203 The Lieutenant Governor in Council may make regulations*

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

*(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.*

**42 The *Condominium Property Act* is amended by repealing section 54(6) and by substituting the following:**

(6) When land is transferred by a corporation pursuant to this section, the Registrar

(a) shall cancel the certificates of title relating to the units, and

(b) shall register the transfer and issue to the transferee a certificate of title for the land transferred.

**43 The *Law of Property Act* is amended by repealing section 65(6).**

**44 The following provisions come into force on July 1, 2000:**

sections 2 and 3;  
sections 5 to 11;  
section 14;  
sections 17 to 40;  
sections 42 and 43.

**42** Section 54(6) of chapter C-22 of the Revised Statutes of Alberta 1980 presently reads:

*(6) When land is transferred by a corporation pursuant to this section, the Registrar*

*(a) shall cancel the certificates of title relating to the units, and*

*(b) shall register the transfer and issue to the transferee a certificate of title for the land transferred,*

*whether or not he is in possession of the duplicate certificates of title for the units.*

**43** Section 65(6) of chapter L-8 of the Revised Statutes of Alberta 1980 presently reads:

*(6) The Registrar shall endorse on the duplicate certificate of title, and also on the mortgage, whenever those instruments are produced to him, the several particulars to be endorsed on each of the instruments respectively.*

**44** Coming into force.