

# BILL

No. 63 of 1927.

An Act to amend The Land Titles Act.

(Assented to \_\_\_\_\_, 1927.)

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

**1.** This Act may be cited as "*The Land Titles Act Amendment Act, 1927.*"

**2.** *The Land Titles Act*, being chapter 133 of the Revised Statutes of Alberta, 1922, is amended by adding as section 48a immediately after section 48, the following:

"48a.—(1) There may be registered as annexed to any land which is being or has been registered, a condition or covenant that such 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.

"(2) When any such condition or covenant is presented for registration, the Registrar shall enter a memorandum thereof upon 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 such 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.

"(4) The entry on the register of a condition or covenant as running with or annexed to land shall not make it run with the land, if such 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 incumbrance within the meaning of this Act or of *The Tax Recovery Act.*"

**3.** Section 52a is added to the said Act immediately after section 52 as follows:

"52a. In case any instrument is registered in the Land Titles Office of one registration district a judge of the

Supreme Court may order that a certified copy of such instrument may be filed in the Land Titles Office of any other registration district, and the filing of such copy together with the order shall have the same effect as the registration of the original instrument.”

**4.** Section 81 of the said Act is amended as to subsection (1) thereof—

- (a) by striking out the word “road” where the same occurs in the second line thereof and by substituting therefor the words “land taken for any public work”; and
- (b) by striking out the words “so far as the same are taken for any road allowance, diversion or new road,” where the same occurs therein.

**5.** Section 83 of the said Act is amended—

- (a) by striking out the word “road” where the same occurs, and by substituting therefor the words “public work”; and
- (b) by striking out the word “road” where the same occurs for the second time and substituting therefor the words “area required for the public work.”

**6.** Section 95 of the said Act is amended as to subsection (6) thereof, by adding thereto the following: “and any such terms and conditions may provide for the payment of a deposit by the purchaser; and for the completion of the purchase on or before a fixed date; for making time of the essence of the contract; for the forfeiture of the deposit if the purchase is not completed on the day fixed for completion, and for the resale of the land and the payment by the defaulting purchaser of the deficiency, if any, in the purchase price on the resale.”

**7.** Section 111*a* of the said Act is amended as to subsection (1) thereof—

- (a) by adding at the end of paragraph (c) thereof, the word “or”; and
- (b) by adding thereto as paragraph (d) the following:  
“(d) The instrument to be registered is accompanied by an affidavit made by the deponent of his own knowledge that there are no infants who are interested in the estate of the deceased owner.”

**8.** Section 112 of the said Act is amended by striking out subsections (1) and (2) thereof and substituting therefor the following:

- “(1) (a) Upon an execution creditor delivering to the sheriff or any duly qualified officer any writ of execution or other writ affecting land, and upon payment of the fee of fifty cents such sheriff or other officer shall if such execution is then in force forth-

with deliver or transmit by registered letter to the registrar a copy of the writ and of all endorsements thereon, certified under his hand and seal of office, if any.

“(b) The execution creditor may by means of an endorsement on the writ or by a separate notice in writing delivered to the registrar simultaneously with or at any time or times after the delivery to him of the copy of the said writ, describe the land of the execution debtor which is to be bound thereby, and is situate in the registration district of such registrar.

“(c) The registrar shall by memorandum endorsed upon the certificate of title register the writ against the land described to him in such endorsement or any such separate notice as aforesaid and against none other; and thereafter all legal and equitable interests of the execution debtor in the aforesaid land, including any interest of the said debtor as an unpaid vendor of such land, shall be bound by such execution; and no transfer, mortgage, encumbrance, lease or other instrument executed by the execution debtor in respect of such land shall be effectual except subject to the rights of the execution creditor under the writ while the same is legally in force.

“(2) Every writ or renewal thereof shall at the expiration of six years from the date of the receipt of the copy thereof by the registrar cease to bind or affect any land in the registration district of such registrar unless before the expiration of such period of six years a renewal of such writ is registered with the registrar in the same manner as the original is required to be registered with him.”

9. This Act shall come into force on.....

No. 63.

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FIRST SESSION  
SIXTH LEGISLATURE  
17 GEORGE V  
1927

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**BILL**

An Act to amend The Land Titles Act.

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. LYMBURN

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EDMONTON:  
W. D. McLEAN, ACTING KING'S PRINTER  
A.D. 1927