

Guideline Form 26L

Purpose of Form: Form 26 is used by a lender to add a recorded interest to a parcel register, a general power of attorney or revocation of a general POA to the general power of attorney roll. It may also be used to duplicate an existing POA that is currently recorded in the Grantor/Grantee index.

Instrument Type: Based on document attached

LR or ROD: This form is indexed under the Land Registration system only.

Mandatory E-Submission Applies: No (currently only authorized lawyers can e-submit)

Fee Required: Yes

Accompanying Instrument Required: Yes

Acceptance Criteria to add a recorded interest other than an interest related to the Power of Attorney Roll:

Correct registration district is provided

Acceptance Criteria is applied to document attached

Form 26L includes only LR PIDs

Number of PIDs on form does not exceed 9

A box re POA has been selected

Interest holder, type and complete mailing address is present and is appropriate for the document attached

If the document attached to the Form 26L is an amendment, assignment, assumption, renewal or postponement, original document affected appears as a current interest holder in the parcel register

If document attached is an assignment (other than assignment of leases/rents, a current interest holder name is being changed to "Interest Assigned" and the new interest holder is being added as "Assignee"

The recording particulars of the original document affected are shown under the "Reference to Related Instrument" field (*for a postponement, staff require two references, one for the document being postponed and one for the document receiving priority*)

If the interest affected is currently enabled by a correction document (Form 6A, 17 or 49), the rectification document recording particulars must be included in the "Reference to Related Instrument" field

Form 26L is dated and signed by the lender or agent (can't be an authorized lawyer)

A box re priority of interest is selected if document attached is a mortgage or debenture (if other is checked, 4th, 5th, 6th etc is entered on blank line)

Acceptance Criteria for adding a general POA to the Power of Attorney Roll:

Correct registration district is provided
Document attached meets all acceptance criteria, (*e.g. signed, sworn, etc*)
Form 26L does not include PIDs
Lender has checked box for recording in the POA roll
Donor and donee names and complete mailing address is provided and is appropriate for the document attached
Lender is the donor or donee on the POA
Statement regarding whether document is signed by someone holding a POA is completed
Priority of interest is not mandatory or appropriate in this type of recording
Form 26L is dated and signed by the lender or agent (can't be an authorized lawyer)

Acceptance Criteria for recording a revocation of a general POA in the Power of Attorney Roll:

Correct registration district is provided
Acceptance Criteria is applied to document attached
Form 26L does not include PIDs
Lender has checked box for recording in the POA roll
Lender is a named party with respect to the revocation
Statement regarding whether document is signed by someone holding a POA is completed
Priority of interest is not mandatory or appropriate in this type of recording
Form 26L is dated and signed by the lender or agent (can't be an authorized lawyer)

Note: General powers of attorney are not removed from the power of attorney roll on the basis of a revocation. Similar to many judgment related documents that are simply recorded in the roll with no statement as to the effect, the revocation is handled in a similar fashion in the power of attorney roll. It is up to a lawyer or searcher to review the revocation and determine the effect of the revocation, if any on the particular parcel he/she is searching.

Acceptance Criteria for duplicating an existing POA in the Power of Attorney Roll:

Correct registration district is provided
No document is required to be attached (a copy of the POA if attached is acceptable)
Form 26L does not include PIDs
Lender must be the donor or donee on the POA being duplicated
Lender has checked box for duplicating the recording in the POA roll
Donor and donee names and complete mailing address is provided

Document recording particulars for POA currently recorded in the GGI are included in the “Reference to Related Instrument” field
Statement regarding whether document is signed by someone holding a POA is completed
Form 26L is dated and signed by the lender or agent (can't be an authorized lawyer)

Description of Use of Form:

This form is used by a lender or their agent to record an interest on a land registration parcel or multiple land registration parcels. Any request to record an interest which relates to a parcel to which the Co-operative Associations Act applies, must have attached an authorization of the Inspector of Co-operatives. Failure to do so will result in the rejection of the document.

This form is also used to record a partial release of a recorded interest, where it is necessary for the parcel register to display both the original document and the partial release. Since no interest is being removed but rather a document affecting a recorded interest is being added, a Form 26L rather than a Form 27L is required (*e.g. release of a mortgagor – parcel register shows mortgagee as interest holder but needs also to show that a mortgagor has been released/discharged from the mortgage – See Releasing a Mortgagor from a Mortgage*).

This form can only be submitted by a lender or their agent.

An authorized lawyer cannot submit this form as an agent of a lender, as an authorized lawyer must e-submit using a Form 26E. If one of the exemptions apply, the lawyer would be required to submit a Form 26 in paper. A citizen can no longer submit any version of a Form 26 (includes 26, 26L or 26N) regardless of the type of document attached.

Supporting Form(s) / Documents required:

Recorded Document (e.g. Mortgages, leases, assignments, general power of attorney, revocation of power of attorney, etc.)