

Guideline Form 26

Purpose of Form: Form 26 is used by an authorized lawyer 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: Yes (if adding one recorded interest and not altering or removing any existing interests)

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

Submitter user number and name – required to be the authorized lawyer who is signing the Form 26

Document attached meets all acceptance criteria, (*e.g. signed, sworn, etc*)

Form 26 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 26 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

Certificate of legal effect on form is dated and signed

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

Correct registration district is provided

Submitter user number and name – required to be the authorized lawyer who is signing the Form 26

Document attached meets all acceptance criteria, (*e.g. signed, sworn, etc*)

Form 26 does not include PIDs

Lawyer 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

Statement regarding whether document is signed by someone holding a POA is completed

Certificate of legal effect on form is dated and signed

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

Correct registration district is provided

Submitter user number and name – required to be the authorized lawyer who is signing the Form 26

Document attached meets all acceptance criteria, (*e.g. signed, sworn, etc*)

Form 26 does not include PIDs

Lawyer has checked box for recording in the POA roll

Statement regarding whether document is signed by someone holding a POA is completed

Certificate of legal effect on form is dated and signed

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 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

Submitter user number and name – required to be the authorized lawyer who is signing the Form 26

No document is required to be attached (a copy of the POA if attached is acceptable)

Form 26 does not include PIDs

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

Certificate of legal effect on form is dated and signed

Description of Use of Form:

This form is used by an interest holder 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 26 rather than a Form 27 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*).

A textual qualification box has been added to this form to allow an authorized lawyer to add, remove or edit an existing TQ that relates to a recorded interest (e.g. A Form 26 being recorded where the lawyer wishes to alert viewers of the parcel register to the fact the order (non-transferring) being recorded in the parcel register is an order for foreclosure). In the past, a lawyer would have to submit a Form 24 in addition to their Form 26 to add, remove or edit a TQ related to the removal of a recorded interest. It can now be done on one form.

This form can only be submitted by an authorized lawyer. The form can no longer be submitted by an interest holder or agent regardless of the type of document attached to the Form 26.

Supporting Form(s) / Documents required:

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