

Guideline Form 45

Purpose of Form: To add, confirm, delete and correct the interests, textual qualifications or parcel access type placed in the parcel register(s) as a result of a subdivision, consolidation or condominium unit creation as required by Section 9 of the *Land Registration Administration Regulations*.

The Form 45 is used by an authorized lawyer to request the removal of benefit, burden or recorded interests and textual qualifications that were placed in the newly created parcel register(s) or parent parcel(s) and that, in the opinion of the authorized lawyer, do not apply to the parcel (*See note below regarding the removal of recorded interests with Form 45*).

The form must be completed, even if only to confirm that all interests inherited were appropriately added. A Form 45 will also be required solely for the purpose of verifying the parcel access that currently appears in order to comply with the regulations.

Instrument Type: 836

LR or ROD: This document is indexed under the land registration system only.

Mandatory E-Submission Applies: No (currently no electronic F45 exists)

Fee Required: No (*Note: If a Form 45 contains an error, a Form 6A is required to be filed to correct the error*).

Accompanying Instrument Required: No

Acceptance Criteria for Form 45:

Correct registration district is provided

Submitter user number and name – required to be the authorized lawyer who is signing the Form 45

Form 45 includes only LR PIDs

Number of PIDs on form does not exceed 9

One of the two parcel access options has been selected

If access is to be added/changed, an access type has been selected

Any interests to be removed include the correct name, type and instrument as per the parcel register

Statement that all other interests or entries are to remain is present on the form

Certificate of legal effect on form is dated and signed

Description of Use of Form:

Section 9 of the regulations requires that the registrar blank out the parcel access of each parcel created on subdivision (or consolidation), including the remainder parcel. Prior to the implementation of the registrar “blanking out” the access, parcels created on subdivision would inherit the access for the parent parcel. In many instances, the access enjoyed by the parent parcel was not the same as the newly created lots, resulting in an incorrect access being displayed.

For this reason, the registered owner is required to either confirm that the access that currently appears is correct or add or correct the access, as applicable.

Note: A Form 45 cannot be used to attempt to correct an access that was incorrectly placed on an AFR, revision or Form 6A. If a Form 45 is incorrect or incomplete, a second Form 45 cannot be accepted in relation to any of the PIDs included on the initial Form 45.

A Form 6A is required to correct any of the above noted errors.

Removal of Interests Placed in the Parcel Register:

As indicated, the authorized lawyer must on behalf of the registered owner remove any interests or other information that in his/her opinion was placed in the parcel register under subsection 13(5) of the Act or subsection 9(2) of the regulations and does not apply.

It is very important that an authorized lawyer review all interests and other information appearing in the parcel register and not just those with an asterisk. Prior to the asterisk being added, there was no means to differentiate interests added by an authorized lawyer on title registration or a revision of a parcel register from those added on subdivision.

It is also important to note that a Form 45 is not appropriate to remove a mortgage that applied to a parent parcel and would now apply to the newly created lots. As in the past, any lands that were the subject of the mortgage would require a release of the mortgage be obtained from the lender.

Supporting Form(s) / Documents required:

None