

Guideline Form 46

Purpose of Form: This form is the prescribed form required in order to record a judgment, also referred to as a certificate of certificate registration, in the judgment roll. The Form 46 acts as both the cover form and the judgment document. A judgment recorded on or after March 24, 2003 will appear in the judgment roll for five years from the date of recording of the judgment.

Based on the implementation of Bill 156 on May 4, 2009: A judgment recorded on or after May 4, 2009 will appear in the judgment roll for five years from the date of the judgment and not the recording date.

Instrument Type: 707

LR or ROD: Despite the fact that judgments and judgment related documents are land titles documents, they must be searchable in a names-based index. For this reason, the document is indexed under the Registry of Deeds system so that a name search of the judgment debtor can be conducted.

Mandatory E-Submission Applies: Yes (if submitter is an authorized lawyer)

Fee Required: Yes

Accompanying Instrument Required: No

Acceptance Criteria for Form 46:

Court file # and name of court is included

Complies with Judgment Recording Requirements

Title of proceeding is completed (lists defendants and plaintiffs)

Debt and judgment amount is included (may also contain interest and costs)

Form 46 is signed by either;

Prothonotary (or Deputy), if it was issued by a Provincial/Supreme Court

OR

Federal Court Official, if it was issued by a Federal Court

Complies with Acceptance Criteria for Court Documents

Description of Use of Form:

The form is used by a creditor to record a judgment against a judgment debtor in the judgment roll.

The judgment will remain in the judgment roll unless it is removed based on expiry or a full satisfaction/discharge.

A Form 46 does not act to add judgments to specific parcels, whether they are land titles or traditional registry parcels. Judgments can only be added to land titles parcels at the time of migration on an AFR, or on a subsequent revision that is transferring ownership by an authorized lawyer with a Form 24.

Supporting Form(s) / Documents required:

None