

The Land Titles Regulations, 2001

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Chapter L-5.1 Reg 1 (effective June 25, 2001) as amended by Saskatchewan Regulations [44/2001](#), [21/2002](#), [23/2003](#), [24/2003](#), [113/2004](#), [10/2005](#), [12/2009](#), [36/2010](#), [10/2012](#), [35/2012](#) and [70/2013](#).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER L-5.1 REG 1
The Land Titles Act, 2000

PART I
Preliminary Matters

Title

- 1 These regulations may be cited as *The Land Titles Regulations, 2001*.

Interpretation

- 2 In these regulations:

- (a) **“Act”** means *The Land Titles Act, 2000*;
- (b) **“address”** means, except in Part VI, address for service;
- (c) **“applicant”** means, except in Part VI, an applicant for registration, and includes, as the context requires:
 - (i) the person who submits the application to the Registrar;
 - (ii) the person who authorizes the application; or
 - (iii) the person in whose name the title or interest will be held or who will be shown as the alternate authority on registration of the application;
- (c.1) **“application”** includes any authorization that accompanies the application or that is required to accompany the application;
- (c.2) **“application sequence number”** indicates:
 - (i) the order in which applications are to be registered when an applicant submits two or more applications to the Registrar in a packet; and
 - (ii) which application in a packet will, on registration, effect a change in the land registry;
- (d) **“arm’s length transaction”** means a transaction in which a change of ownership of property occurs for cash or cash equivalents in an open market, allowing for reasonable exposure to the market, between a willing, unrestricted, unrelated, knowledgeable seller and buyer who are both seeking to maximize their position;
- (e) **“authorization”** means an authorization made in accordance with Division 2 of Part II;
- (f) **“corporation number”** means the number assigned to a body corporate by the Director appointed pursuant to *The Business Corporations Act*;
- (g) **“customer service centre”** means a customer service centre maintained for the purposes of the land registry and the land surveys directory;
- (h) **Repealed.** 4 Apr 2003 SR 23/2003 s3.

- (h.1) **“electronic code”** means an electronic code imposed by the Registrar:
- (i) to link two or more parcels together so as to prevent those parcels from being individually dealt with in the land titles registry or abstract directory; or
 - (ii) to define the class of a parcel for the purposes of the land titles registry or abstract directory;
- (i) **“packet”** means one or more applications submitted together to the Registrar for registration in a particular order;
- (j) **“parcel number”** means the number assigned to a parcel by the Controller of Surveys;
- (j.1) **“person”** includes individuals, bodies corporate and, if the context requires, any entity that is entitled to apply to the Registrar for registration;
- (k) **“value”**, with respect to a title, means:
- (i) if a person acquires a title in an arm’s length transaction, the value of the cash and the fair market value of cash equivalents, rounded down to the nearest dollar and excluding any amount paid in taxes, that is given in exchange for the title or a grant of the land, free of any trusts and unencumbered by any interests except interests implied pursuant to the Act;
 - (ii) if a person acquires a title in a transaction that is not an arm’s length transaction, the value of the cash and the fair market value of the cash equivalents, rounded down to the nearest dollar, that would have been given in an arm’s length transaction in exchange for the title or a grant of the land, free of any trusts and unencumbered by any interests except interests implied pursuant to the Act;
 - (iii) with respect to title to a parcel described in clause 33(4)(b), the value as stated in the affidavit sworn pursuant to that clause.

20 Jly 2001 cL-5.1 Reg 1 s2; 22 Mar 2002 SR 21/2002 s3; 4 Apr 2003 SR 23/2003 s3; 26 Nov 2004 SR 113/2004 s3; 20 Feb 2009 SR 12/2009 s3.

Application of regulations

3(1) Subject to subsection (2), in accordance with section 3 of the Act, these regulations apply to transactions and any other matters regulated by the Act and these regulations that have effect or that may have effect in an area of Saskatchewan that the Lieutenant Governor in Council has designated pursuant to section 191 of the Act as an area to which the Act applies.

(2) Part I, Divisions 1, 4 and 5 of Part VI, Part XI and Part XII of these regulations apply to every area of Saskatchewan insofar as a judgment has effect or may have effect in that area.

20 Jly 2001 cL-5.1 Reg 1 s3; 28 May 2012 SR 35/2012 s3.

4 Repealed. 6 Jly 2001 SR 44/2001 s3.

Forms to be used

5(1) Unless otherwise permitted by the Registrar, where the use of an application or other form is required by these regulations, the application or other form must be in the form provided by the Registrar, whether in printed or electronic format.

(2) The Registrar may refuse to accept an application or any other form if it is not completed to the satisfaction of the Registrar.

20 Jly 2001 cL-5.1 Reg 1 s5; 28 May 2012 SR
35/2012 s4.

Identification numbers

6 For identification purposes, the Registrar shall assign:

- (a) a title number to every title issued by the land titles registry;
- (b) an interest register number to every interest registered in the land titles registry or filed in the abstract directory;
- (c) an interest number to every interest contained in an interest register;
- (d) a client number:
 - (i) to every registered owner and interest holder;
 - (ii) to every person who applies to the Registrar for a client number;
 - (iii) to a body corporate on registration with the Director appointed pursuant to *The Business Corporations Act*;
 - (iv) to a property guardian, property co-decision-maker or liquidator on application to be registered as an alternate authority for a registered owner or interest holder; and
 - (v) to a trustee in bankruptcy or personal representative on the transmission of a title or an assignment of an interest to the trustee in bankruptcy or personal representative;
- (e) a packet number to every packet submitted to the Registrar; and
- (f) a share number for each fractional share of a title or interest.

20 Jly 2001 cL-5.1 Reg 1 s6; 26 Nov 2004 SR
113/2004 s4; 20 Feb 2009 SR 12/2009 s4.

Designated interest holders

7 For the purposes of clause 33(d) of the Act, the following are designated as entities that are eligible to be interest holders:

- (a) any organization, association, body, group or other entity recognized by any other Act or any Act of the Parliament of Canada as being eligible to hold an interest in land;
- (b) any organization, association, body, group or other entity authorized by any other Act or any Act of the Parliament of Canada to hold an interest in land;

- (c) any organization, association, body, group or other entity recognized by a court of competent jurisdiction as being eligible to hold an interest in land;
- (d) any organization, association, body, group or other entity authorized by a court of competent jurisdiction to hold an interest in land.

20 Jly 2001 cL-5.1 Reg 1 s7.

PART II Registration Procedures

DIVISION 1 Application

Application for registration

8(1) Subject to subsection (2), a person who wishes to effect a registration in the land titles registry or the abstract directory must apply to the Registrar:

- (a) in the form provided; and
 - (b) in accordance with this Part.
- (2) Where an applicant submits two or more applications to the Registrar in a packet, the applicant shall specify the application sequence number for each application.
- (3) **Repealed.** 22 Mar 2002 SR 21/2002 s4.
- (4) No other application may be submitted with an application pursuant to section 17 of the Act to certify an uncertified mineral title.
- (5) Changes or corrections of names or addresses in the land titles registry or the abstract directory must be made in accordance with Division 4 of Part VIII.
- (6) No other application may be submitted with an application mentioned in subsection (5).

20 Jly 2001 cL-5.1 Reg 1 s8; 22 Mar 2002 SR 21/2002 s4; 20 Feb 2009 SR 12/2009 s5.

Electronic submission

- 9(1) Subject to subsection (3), any person may submit an application to the Registrar in electronic format.
- (2) A person who submits an application to the Registrar in electronic format must:
- (a) use an electronic format that is acceptable to the Registrar;
 - (b) use the form provided; and
 - (c) provide all the information required by the Act or these regulations for registration of the application.

(3) The Registrar may designate certain persons who may submit an application to the Registrar in electronic format through the web enabled submission method for any period that the Registrar considers necessary.

20 Jly 2001 cL-5.1 Reg 1 s9; 26 Nov 2004 SR
113/2004 s5.

Packet withdrawal

9.1(1) An applicant described in subclause 2(c)(i) or (ii) may, after submitting a packet to the land registry, submit a request to the Registrar to withdraw the packet before the packet has been registered.

(2) A request made pursuant to subsection (1) must be in writing and must include:

- (a) the packet number;
- (b) the client number indicated on the packet, if applicable; and
- (c) the name and contact information for the applicant.

(3) When a request made pursuant to subsection (1) is received and if the packet has not been registered by the date the Registrar receives the request, the Registrar may withdraw the packet before it is registered.

20 Feb 2009 SR 12/2009 s6.

Individual as applicant

10(1) Where an applicant as described in subclause 2(c)(iii) is an individual, the name of that individual must be specified on the application in the following order:

- (a) the applicant's family name;
- (b) the applicant's given name;
- (c) the applicant's middle name, if any.

(2) Where the name of an applicant mentioned in subsection (1) does not consist of both a given name and a family name, the applicant's name is to be specified on the application as the applicant's family name.

(3) Where an applicant mentioned in subsection (1) has a family name, given name or middle name that consists solely of an initial, the applicant must submit to the Registrar a copy of a certificate from the Director of Vital Statistics, or from an equivalent official in another jurisdiction, as proof that the initial is the family name, given name or middle name of the applicant.

(3.1) Notwithstanding that an applicant mentioned in subsection (1) has more than two middle names, the applicant shall provide not more than two middle names on the application.

(4) An application to register a title or interest in the name of an applicant mentioned in subsection (1) must include:

- (a) the applicant's postal address; or
- (b) the applicant's client number.

(5) Notwithstanding clause (4)(b), the name associated with the client number included in the application must meet the requirements in subsections (1) to (3.1).

20 Jly 2001 cL-5.1 Reg 1 s10; 26 Nov 2004 SR 113/2004 s6; 20 Feb 2009 SR 12/2009 s7.

Crown or a body corporate as applicant

11(1) The Crown in right of Canada or Saskatchewan, any other province or territory of Canada, any other nation or state or a body corporate must have been assigned a corporation number by the Director appointed pursuant to *The Business Corporations Act* before the Crown, nation, state or body corporate, as the case may be, may apply to the Registrar:

- (a) to be a registered owner; or
- (b) to deal with a title as the registered owner.

(2) Where a transferee is a body corporate, an application to register a transfer must include the body corporate's name and client number.

(3) Where an interest holder or assignee is a body corporate, an application to register an interest must include:

- (a) the body corporate's name; and
- (b) the body corporate's address or client number.

(3.1) If an interest register is being amended to include another interest or title, the application must include the interest holder's:

- (a) name and postal address; or
- (b) name and client number.

(4) Where the name of a body corporate on an application to register a transfer of title to or from the body corporate does not correspond with the name associated with that body corporate as registered with the Director appointed pursuant to *The Business Corporations Act*, the Registrar may refuse to register the application.

20 Jly 2001 cL-5.1 Reg 1 s11; 26 Nov 2004 SR 113/2004 s7; 20 Feb 2009 SR 12/2009 s8.

Designated entities as applicant

12 Where an applicant is an entity designated pursuant to section 7, the application must include:

- (a) the name of the entity; and
- (b) the entity's address or client number.

20 Jly 2001 cL-5.1 Reg 1 s12.

DIVISION 2
Authorizations

Authorizations

13(1) Subject to subsections (2) and (5), every application must be accompanied by an authorization that has been completed by the registered owner or interest holder whose title or interest is being dealt with in the application.

(2) Subject to subsection (3), no authorization is required with an application to register an interest.

(3) An authorization must accompany an application to register an assignment, amendment or discharge of an interest.

(4) An authorization must include:

(a) the names of the transferee and transferor, or interest holder and assignee, as the case may be;

(b) subject to subsections (5) and (6), the signature of the registered owner or interest holder;

(c) the following numbers that are applicable to the application:

(i) parcel number;

(ii) title number;

(iii) interest register number;

(iv) interest number;

(v) interest share number;

(vi) condominium unit number;

(vii) abstract number;

(viii) plan approval number, as mentioned in clause 7(2)(e) of *The Land Surveys Regulations*;

(ix) the application sequence number; and

(d) the date, including the day, month and year, on which the authorization was executed.

(4.1) If a number has not been assigned by the Registrar to the title, interest register, interest or interest share against which an interest is sought to be registered, the authorization that accompanies the application to register the interest must specify which application in the packet will, on registration, create the title, interest register, interest or interest share against which the interest is sought to be registered.

- (4.2) If a number specified in clause (4)(c) has not been assigned at the time of the application, the authorization that accompanies the application to register the interest must specify the application sequence number.
- (5) Where a person other than the registered owner or interest holder authorizes an application, the authorization must include evidence, satisfactory to the Registrar, to prove that person's legal authority to authorize the application.
- (6) In the case of a body corporate, an authorization must be executed:
- (a) subject to subsection (7), by an officer of the body corporate under the seal of the body corporate; or
 - (b) subject to subsection (8), by an officer of the body corporate who is authorized by the body corporate to execute documents on behalf of the body corporate without affixing the corporate seal.
- (7) When an authorization is to be executed under seal and is executed under an embossed seal, the applicant must:
- (a) submit, as part of the authorization, a certificate of a lawyer or notary public certifying that the authorization was duly executed under seal; or
 - (b) render the embossed seal visible on an electronic image of the authorization.
- (8) Where the authorization is executed in the manner mentioned in clause (6)(b), the officer of the body corporate shall swear or affirm in writing that the officer:
- (a) is an officer of the body corporate; and
 - (b) is authorized by the body corporate to execute the authorization without affixing the corporate seal.
- (9) An authorization to deal with an interest held by a partnership may be completed by one or more of the partners, and must be accompanied by an affidavit of the partner or partners who completed the authorization verifying the status of each as a partner.

20 Jly 2001 cL-5.1 Reg 1 s13; 22 Mar 2002 SR
21/2002 s5; 26 Nov 2004 SR 113/2004 s8; 20
Feb 2009 SR 12/2009 s9.

Interests registered in a business name

13.1(1) In this section, "**business name**" means:

- (a) a name registered with the Director appointed pursuant to *The Business Corporations Act* in accordance with *The Business Names Registration Act* that has not been cancelled; or
- (b) a business name that is not required to be registered pursuant to *The Business Names Registration Act*.

(2) An authorization to deal with an interest registered in a business name must be accompanied by an affidavit that:

- (a) in the case of a sole proprietor, must:
 - (i) be sworn by the person who is the registered holder of the business name;
 - (ii) indicate the correct name that should have been registered as the interest holder; and
 - (iii) confirm either:
 - (A) that the business name is registered to the individual with the Director appointed pursuant to *The Business Corporations Act*; or
 - (B) that the business name is not required to be registered pursuant to *The Business Names Registration Act*;
- (b) in the case of a partnership, must:
 - (i) be sworn by one of the partners of the partnership who is authorized by the partnership to depose to the matters referred to in the affidavit;
 - (ii) indicate the correct names of the partners that should have been registered as the interest holders; and
 - (iii) confirm either:
 - (A) that the business name is registered to the partners with the Director appointed pursuant to *The Business Corporations Act*; or
 - (B) that the business name is not required to be registered pursuant to *The Business Names Registration Act*;
- (c) in the case of a body corporate, must:
 - (i) be sworn by a person authorized to sign on behalf of the body corporate;
 - (ii) indicate the correct corporate name that should have been registered as the interest holder; and
 - (iii) confirm that the business name is registered to the corporation with the Director appointed pursuant to *The Business Corporations Act*.

(3) In addition to the affidavit provided pursuant to clauses (2)(a) to (c), an authorization to deal with an interest registered in a business name must be accompanied by evidence acceptable to the Registrar of the information provided in the affidavit.

(4) Notwithstanding subsections (2) and (3), the Registrar may accept an application to discharge an interest held by a business name on receipt of evidence that is acceptable to the Registrar.

Discharge of interest held by inactive corporation

13.2(1) For the purposes of this section and section 13.3, “**inactive corporation**” means:

- (a) a corporation that was struck off the register pursuant to section 290 of *The Business Corporations Act*;
 - (b) a corporation that was struck off the register pursuant to section 272 of *The Non-profit Corporations Act, 1995*;
 - (c) a co-operative that was struck off the register pursuant to section 280 of *The Co-operatives Act, 1996*; or
 - (d) a new generation co-operative that was struck off the register pursuant to section 346 of *The New Generation Co-operatives Act*.
- (2) An authorization to discharge an interest held by an inactive corporation must:
- (a) be executed by a former officer or director of the corporation who held that position immediately before the corporation became inactive; and
 - (b) be accompanied by an affidavit sworn or affirmed by that director.
- (3) The person swearing or affirming the affidavit mentioned in subsection (2) must:
- (a) state the person’s position within the corporation before it became inactive;
 - (b) confirm that the corporation was registered with the Director appointed pursuant to *The Business Corporations Act* at the time the interest was registered; and
 - (c) be accompanied by evidence acceptable to the Registrar that:
 - (i) the corporation was registered at the time the interest was registered; and
 - (ii) the person taking the affidavit was an officer or director of the corporation immediately before it became inactive.

20 Feb 2009 SR 12/2009 s10.

Transfer by inactive corporation

13.3 If a transfer authorization is executed when a corporation is active, but is not registered before the corporation becomes inactive, the Registrar may accept the authorization if it is accompanied by an affidavit that:

- (a) is sworn by:
 - (i) a former director who held that position during the time that the authorization was signed; or
 - (ii) an individual acceptable to the Registrar;

- (b) states that the corporation was registered with the Director appointed pursuant to *The Business Corporations Act* when the transfer authorization was signed; and
- (c) is accompanied by evidence acceptable to the Registrar that:
 - (i) either:
 - (A) the former director held that position on the date that the authorization was signed; or
 - (B) the individual is an individual acceptable to the Registrar pursuant to subclause (a)(ii); and
 - (ii) the corporation was registered on the day that the authorization was signed.

20 Feb 2009 SR 12/2009 s10.

Registration by power of attorney

14 Where a power of attorney is in a form acceptable to the Registrar, the Registrar may accept the power of attorney as authorization for registration of any application pursuant to the Act or these regulations.

20 Jly 2001 cL-5.1 Reg 1 s14.

Interpretation of sections 15 to 17

14.1 In sections 15 to 17:

- (a) **“attorney”** means the person who is appointed to act for the grantor under the terms of a power of attorney;
- (b) **“enduring power of attorney”** means an enduring power of attorney within the meaning of *The Powers of Attorney Act, 2002*;
- (c) **“grantor”** means:
 - (i) in the case of an individual, the individual who gives the attorney the power to act for him or her under the terms of a power of attorney; and
 - (ii) in the case of a body corporate, the body corporate that gives the attorney the power to act for the body corporate under the terms of a power of attorney.

4 Apr 2003 SR 23/2003 s4.

Requirements for power of attorney

15(1) For the purposes of subsection 13(5), a power of attorney may be used as evidence of the attorney’s legal authority to authorize an application on behalf of the grantor.

(2) A copy of the power of attorney must accompany every application for which the power of attorney is used for the purpose mentioned in subsection (1).

(3) If a power of attorney is used for the purpose mentioned in subsection (1), the power of attorney must contain:

- (a) the name of the attorney;
- (b) the name of the grantor; and
- (c) a statement as to the power of the attorney:
 - (i) to deal with real property of the grantor if titles or interests of the grantor or instruments are not specifically described but are mentioned in general terms;
 - (ii) to deal with any title registered in the name of the grantor or any interest held by the grantor; or
 - (iii) to perform any dealings on behalf of the grantor pursuant to the Act.

(4) Subject to section 30, if the names of the registered owner or interest holder and that of the grantor are not an exact match, the Registrar may refuse to accept the power of attorney for the purpose mentioned in subsection (1).

(5) Subject to subsection (6), the Registrar may refuse to accept a power of attorney for the purpose mentioned in subsection (1) if:

- (a) the exercise of the power of attorney, or any portion of it, is conditional on an occurrence or event, unless the attorney presents evidence satisfactory to the Registrar that the condition has been satisfied;
- (b) the exercise of the power of attorney, or any portion of it, requires the consent of a third party;
- (c) there has been registered an interest based on a notice of revocation of that power of attorney;
- (d) the power of attorney contains an expiry date and that date has passed;
- (e) the power of attorney appointing more than one attorney to act on behalf of the grantor does not identify whether the attorneys act:
 - (i) jointly;
 - (ii) severally; or
 - (iii) both jointly and severally; or
- (f) the power of attorney purports to grant to the attorney the authority to act in the place of the grantor as a personal representative.

(6) Clause (5)(e) does not apply to enduring powers of attorney, and the Registrar shall not refuse to accept an enduring power of attorney for the purpose mentioned in subsection (1) for the sole reason that the enduring power of attorney fails to identify whether the attorneys act:

- (a) jointly;
- (b) severally; or
- (c) both jointly and severally.

(7) For the purposes of subsection (3), a power of attorney drafted in compliance with the forms prescribed pursuant to section 3 of *The Powers of Attorney Regulations* is to be considered as meeting the requirements of this section respecting a power of attorney.

4 Apr 2003 SR 23/2003 s5; 20 Feb 2009 SR 12/2009 s11.

Execution of power of attorney by individual

15.1(1) Subject to subsection (2), if a power of attorney executed by an individual is submitted to the Registrar as evidence of the attorney's legal authority to authorize an application on behalf of the grantor:

- (a) the grantor's signature on the power of attorney must be attested by a witness; and
- (b) an affidavit of execution must accompany the power of attorney.

(2) Every enduring power of attorney that is executed after the coming into force of *The Powers of Attorney Act, 2002* and that is submitted to the Registrar as evidence of the attorney's legal authority to authorize an application on behalf of the grantor must be executed in accordance with that Act.

4 Apr 2003 SR 23/2003 s5.

Execution of power of attorney by body corporate

15.2(1) If a copy of a power of attorney executed by a body corporate is submitted to the Registrar as evidence of the attorney's legal authority to authorize an application on behalf of the body corporate, the power of attorney must be executed by an officer of the body corporate in the same manner that an authorization must be executed by a body corporate pursuant to clause 13(6)(a).

(2) Notwithstanding subsection 15(2), a copy of the power of attorney is not required to accompany an application if the proper officer of the body corporate executes the authorization for the application in the manner mentioned in clause 13(6)(b) and subsection 13(8).

4 Apr 2003 SR 23/2003 s5.

Execution of authorization by attorney under body corporate grantor's corporate seal

15.3 If an authorization is executed by an attorney under the corporate seal of the body corporate that has granted the power of attorney, a copy of the power of attorney is not required to accompany an application.

20 Feb 2009 SR 12/2009 s12.

Restrictions on transfers to attorney

16 Pursuant to section 46 and subsection 52(1) of the Act, the Registrar shall not accept a power of attorney as evidence of the attorney's legal authority to authorize a transfer of title or assignment of interest if the transferee or assignee is the attorney, unless express words permitting the transfer or assignment to the attorney are contained in the power of attorney.

4 Apr 2003 SR 23/2003 s5.

Revocation of powers of attorney

17(1) Pursuant to section 52 of the Act, a grantor may apply to the Registrar to register an interest based on a revocation of the power of attorney.

- (2) An application pursuant to subsection (1) must:
- (a) specify:
 - (i) that any power granted to the attorney is revoked; and
 - (ii) the date of the revocation; and
 - (b) include an affidavit of execution.

4 Apr 2003 SR 23/2003 s5.

Transfers pursuant to the *Expropriation Act* (Canada)

18 Where a transfer of title is authorized pursuant to sections 14 and 15 of the *Expropriation Act* (Canada) and the Attorney General of Canada applies to transfer a title against which a notice of intention to expropriate has been registered pursuant to that Act, the application must include:

- (a) an application to register a transfer that results in:
 - (i) the issuance of a title; or
 - (ii) the creation of an abstract record; and
- (b) a copy of a notice of confirmation of expropriation in accordance with the *Expropriation Act* (Canada).

20 Jly 2001 cL-5.1 Reg 1 s18.

Notification to act as authorization

19(1) Where a road allowance, surveyed road or trail vested in the Crown is to be closed and transferred, the application by the Minister of Highways and Transportation to surrender the road allowance, surveyed road or trail must include a notification to the Registrar to that effect.

(2) The notification mentioned in subsection (1) is sufficient authorization for the Registrar to register a surrender of title to the road allowance, surveyed road or trail, as the case may be.

(3) Where ownership of a parcel on a plan of a road, drain or water right is held by the Crown but title has not been issued, and where the Crown has abandoned ownership, the application by the Minister of Highways and Transportation to surrender the road, drain or water right must include a notification to the Registrar to that effect.

(4) The notification mentioned in subsection (3) is sufficient authorization for the Registrar to register a surrender of title to the road, drain or water right.

20 Jly 2001 cL-5.1 Reg 1 s19.

Other conditions precedent

20 Where an application is based on a transaction that requires the consent or authorization of a party pursuant to an Act or an Act of the Parliament of Canada, or where registration is subject to any other condition of an Act or an Act of the Parliament of Canada being satisfied that is not a condition stipulated by this Act or these regulations, the Registrar may require the applicant to:

- (a) attach to the application a declaration of the applicant, transferor or transferee that the party's consent has been obtained;
- (b) submit other evidence satisfactory to the Registrar to prove that the party's consent has been obtained; or
- (c) submit evidence satisfactory to the Registrar to prove that all other conditions precedent have been satisfied.

20 Jly 2001 cL-5.1 Reg 1 s20.

Conditional registration for transfer applicants

21(1) If required to do so by the form to be used for an application for transfer, the applicant must specify on the application form:

- (a) that the Registrar may only register the application if no interests have registered against the specified title or the abstract, as the case may be, since the time specified in the application unless an interest registration application is submitted in the same packet as the transfer;
- (b) that the Registrar may only register the application if the title is free and clear of any registered interests; or
- (c) that there are no conditions attached to the registration of the application.

(2) Subsection (1) does not include:

- (a) a judgment that would have automatically been registered pursuant to section 172 of the Act but that is discharged before the registration of the application; or
- (b) a judgment that did not automatically register because the debtor name on the judgment was not an exact match with the name of the registered owner of the title as set out in the application.

(3) Subsection (1) does not apply to a judgment that would otherwise have automatically been registered pursuant to section 172 of the Act if the applicant has specified in the application form that the applicant is prepared to accept the judgment on the title.

20 Feb 2009 SR 12/2009 s13; 28 May 2012 SR 35/2012 s5.

Conditional registration for interest applications

21.1 If required to do so by the form to be used for an application to register or amend an interest, the applicant must specify on the application form:

- (a) that the Registrar may only register the application if the title, any interests registered against the title and any interests registered against any supporting interests appear as they did in the land titles registry or the abstract directory, as the case may be, as at a specified time;
- (b) that the Registrar may only register the application if the title is free and clear of any registered interests; or
- (c) that there are no conditions attached to the registration of the application.

20 Feb 2009 SR 12/2009 s13.

Foreign language documents

21.2 A document submitted to the Registrar with an application that is in a language other than English or French must be:

- (a) translated into English by a translator acceptable to the Registrar; and
- (b) accompanied by an affidavit from the translator stating that the English document is a true translation of the foreign language document.

20 Feb 2009 SR 12/2009 s13.

DIVISION 3 Verification of Registration

Verification of registration

22(1) In this section:

- (a) **“to file an interest”** includes filing a renewal, amendment, assignment, postponement or discharge of an interest in the abstract directory;
 - (b) **“to register an interest”** includes registering a renewal, amendment, assignment, postponement or discharge of an interest in the land titles registry.
- (2) Subject to subsection (8), when an application to register a transfer is registered in the land titles registry, the Registrar shall send:
- (a) a verification statement to the applicant as described in subclause 2(c)(i) to verify the registration; and
 - (b) a notification statement to provide notice of the registration to:
 - (i) the former registered owner;
 - (ii) the new registered owner; and
 - (iii) each interest holder of every interest carried forward onto the new registered owner’s title.

(3) Subject to subsection (8), when an application to register an interest is registered in the land titles registry, the Registrar shall send:

- (a) a verification statement to the applicant as described in subclause 2(c)(i) to verify the registration; and
- (b) a notification statement to provide notice of the registration to:
 - (i) each interest holder of the interest registered pursuant to the application; and
 - (ii) the registered owner.

(4) Subject to subsection (8), when an application to file an interest is filed in the abstract directory, the Registrar may send:

- (a) a verification statement to the applicant as described in subclause 2(c)(i) to verify the registration; and
- (b) a notification statement to provide notice of the registration to:
 - (i) each interest holder of the interest filed pursuant to the application; and
 - (ii) the Crown in right of Canada or Saskatchewan, as the case may be.

(5) Subject to subsection (8), when an application to register an interest against another interest is registered in the land titles registry, the Registrar shall send:

- (a) a verification statement to the applicant as described in subclause 2(c)(i) to verify the registration; and
- (b) a notification statement to provide notice of the registration to:
 - (i) each interest holder of the interest registered pursuant to the application; and
 - (ii) each interest holder of the interest against which the interest mentioned in subclause (i) is registered.

(5.1) Subject to subsection (8), if an application to file an interest against another interest is filed in the abstract directory, the Registrar may send:

- (a) a verification statement to the applicant as described in subclause 2(c)(i) to verify the filing; and
- (b) a notification statement to provide notice of the filing to:
 - (i) each interest holder of the interest filed pursuant to the application; and
 - (ii) each interest holder of the interest against which the interest mentioned in subclause (i) is filed.

(5.2) Subject to subsection (8), if an application for certification of title for an uncertified mineral parcel is completed and the title is certified, the Registrar shall send:

- (a) a verification statement to the applicant as described in subclause 2(c)(i), if any, to verify the certification; and
- (b) a notification statement to the registered owner of the mineral parcel.

(5.3) Subject to subsection (8), if an application to register, or to discharge the registration of, a person as an alternate authority for a registered owner or interest holder is registered in the land titles registry, the Registrar shall send:

- (a) a verification statement to the applicant as described in subclause 2(c)(i) to verify the registration; and
- (b) a notification statement to provide notice of the registration to:
 - (i) the registered owner or interest holder; and
 - (ii) any of the following persons who, as the case may be, is being registered or removed as the alternate authority:
 - (A) an administrator;
 - (A.1) the liquidator;
 - (B) the guardian or trustee of the property of a child, as defined in clause 74.1(b);
 - (C) the property co-decision-maker, as defined in clause 74.1(c);
 - (D) the property guardian, as defined in clause 74.1(d);
 - (E) the Public Guardian and Trustee;
 - (F) the official appointed as property guardian pursuant to section 37 of *The Public Guardian and Trustee Act*.

(6) The Registrar shall send the verification statements and notification statements required by this section by one of the following methods, as selected by the recipient:

- (a) ordinary mail;
- (b) facsimile transmission;
- (c) electronic mail.

(7) **Repealed.** 26 Nov 2004 SR 113/2004 s9.

(8) In any of the following circumstances, the Registrar is not required to send a verification statement or notification statement to a person who is otherwise entitled to receive a verification statement or notification statement:

- (a) if the person selects delivery of a verification statement or notification statement by ordinary mail, electronic mail or facsimile transmission but fails to provide the Registrar with his or her full postal address, electronic mail address or facsimile number, as the case may be;

- (b) if a title or registered interest that is converted pursuant to Division 2 of Part 20 of the Act does not contain the person's full postal address;
- (c) if the person advises the Registrar, in a form acceptable to the Registrar, that he or she does not wish to receive a verification statement or notification statement, as the case may be, for a particular type of registration, and the Registrar considers it appropriate that the person not receive a verification statement or notification statement described in the request.

20 Jly 2001 cL-5.1 Reg 1 s22; 22 Mar 2002 SR 21/2002 s7; 26 Nov 2004 SR 113/2004 s9; 16 Apr 2010 SR 36/2010 s3.

Interpretation re section 6 of *The Limitations Act*

22.1(1) This section applies if:

- (a) a person submits an application pursuant to section 22; and
- (b) the Registrar is not required to send a verification statement or notification statement pursuant to subsection 22(8).

(2) For the purposes of section 6 of *The Limitations Act*, in the circumstances mentioned in subsection (1), a person to whom the Registrar is not required to send a verification statement or notification statement pursuant to subsection 22(8) is deemed to know, or to ought to have known, of the loss as of the date of registration of the application.

20 Feb 2009 SR 12/2009 s14.

Special cases

23 Where the Registrar discharges the registration of an interest in accordance with these regulations, in addition to the notice required pursuant to subsection 22(3), the Registrar shall provide notice to:

- (a) in the case of a non-mutual restrictive covenant:
 - (i) each registered owner of title that is a dominant tenement of the interest; and
 - (ii) all holders of interests subsequently registered on any title held by a registered owner that is a dominant tenement of the interest; and
- (b) in the case of a mutual restrictive covenant, all holders of interests subsequently registered on any title against which the interest is registered.

20 Jly 2001 cL-5.1 Reg 1 s23.

DIVISION 4
Attestation and Affidavits

Attestation and affidavits of execution

24(1) Where an authorization is required with an application, except where the authorization is executed by a body corporate under corporate seal, the authorization must be witnessed by one person.

- (2) A person who acts as a witness pursuant to subsection (1) shall:
- (a) sign his or her name to the authorization as the witness; and
 - (b) swear or affirm an affidavit of execution in accordance with this section.
- (3) The affidavit of execution mentioned in subsection (2), if sworn or affirmed within Saskatchewan, must be sworn or affirmed before:
- (a) the Registrar;
 - (b) a deputy registrar;
 - (c) a judge of a court of record in Saskatchewan;
 - (d) a presiding or non-presiding justice of the peace in and for Saskatchewan;
 - (e) a commissioner for oaths in and for Saskatchewan;
 - (f) a notary public appointed in Saskatchewan; or
 - (g) a member of the Royal Canadian Mounted Police.
- (4) The affidavit of execution mentioned in subsection (2), if sworn or affirmed in any jurisdiction in Canada other than in Saskatchewan, must be sworn or affirmed before:
- (a) a judge of a court of record for that jurisdiction;
 - (b) a commissioner for oaths without Saskatchewan appointed pursuant to *The Commissioner for Oaths Act*;
 - (b.1) a commissioner or other official authorized by the laws of the other jurisdiction to administer oaths;
 - (c) a notary public under official seal; or
 - (d) a member of the Royal Canadian Mounted Police.
- (5) The affidavit of execution mentioned in subsection (2), if sworn or affirmed in any country other than in Canada, must be sworn or affirmed before:
- (a) a judge of a court of record for that country;
 - (b) the mayor of a city or incorporated town under the common seal of the city or town;
 - (c) a commissioner of oaths without Saskatchewan appointed pursuant to *The Commissioner for Oaths Act*;

- (c.1) a commissioner or other official authorized by the laws of the other country to administer oaths;
- (d) a notary public under official seal;
- (e) officers of any of Her Majesty's diplomatic or consular services exercising their functions in any foreign country, including ambassadors, envoys, ministers, chargés d'affaires, counsellors, secretaries, attachés, consuls-general, consuls, vice-consuls, pro-consuls, consular agents, acting consuls-general, acting consuls, acting vice-consuls and acting consular agents;
- (f) officers of the Canadian diplomatic, consular and representative services exercising their functions in any foreign country, or in any part of Her Majesty's dominions outside Canada, including, in addition to the diplomatic and consular officers mentioned in clause (e), high commissioners, permanent delegates, acting high commissioners, acting permanent delegates, counsellors and secretaries;
- (g) Canadian Government Trade Commissioners and Assistant Canadian Government Trade Commissioners exercising their functions in any foreign country or in any part of Her Majesty's dominions outside Canada; or
- (h) the Agent-General representing the Government of Saskatchewan in the United Kingdom and Europe.
- (6) The affidavit of execution mentioned in subsection (2) must state that the person executing the application:
- (a) is personally known to the witness, or that the witness is satisfied that the person is who he or she purports to be;
- (b) is the person named in the application and whose name is subscribed to the application;
- (c) was in the presence of the witness when the person duly signed and executed the application; and
- (d) is 18 years of age or more.
- (7) For the purposes of clauses (5)(f) and (g), "**dominions**" includes kingdom, empire, republic, commonwealth, state, province, territory, colony, possession and protectorate existing on or before the coming into force of this section or constituted after the coming into force of this section.
- (8) If, in accordance with subsection (4) or (5), an affidavit of execution is sworn or affirmed before a mayor or a notary public under seal, and the seal is an embossed seal, the applicant must:
- (a) submit, with the affidavit of execution, a certificate of a lawyer or notary public certifying that the seal of the notary public or mayor was duly affixed; or
- (b) render the embossed seal visible on an electronic image of the affidavit of execution.

Affidavits submitted to land titles registry

24.1 Subsections 24(3) to (8) apply, with any necessary modification, to any affidavit other than an affidavit of execution submitted to the land titles registry

20 Feb 2009 SR 12/2009 s16.

Documents signed on behalf of the Provincial Mediation Board

25(1) Notwithstanding section 24, the authorization purporting to be executed on behalf of the Provincial Mediation Board or by any member of that board for an application that is required to be registered in the land titles registry must be witnessed by one person who shall sign his or her name as a witness.

(2) Subject to subsection (1), no further or other formality is required respecting the execution of an authorization by the Provincial Mediation Board.

20 Jly 2001 cL-5.1 Reg 1 s25; 26 Nov 2004 SR 113/2004 s12.

Documents signed on behalf of the Government of Saskatchewan

26(1) Notwithstanding section 24, if the authorization for an application purports to be executed by a person mentioned in subsection (2), the authorization need not be:

- (a) witnessed or accompanied by an affidavit of execution; or
- (b) executed under seal.

(2) Subsection (1) applies where the authorization purports to be executed by:

- (a) a minister, deputy minister or other signing officer of a department of the Government of Saskatchewan;
- (b) a signing officer of an agency of the Government of Saskatchewan;
- (c) a public official of the Government of Saskatchewan; or
- (d) a signing officer of a Crown corporation as defined in *The Crown Corporations Act, 1993*.

20 Jly 2001 cL-5.1 Reg 1 s26; 26 Nov 2004 SR 113/2004 s13.

Documents witnessed by a lawyer

27 Notwithstanding section 24, where an application is witnessed by a lawyer who is licensed to practise in Saskatchewan pursuant to *The Legal Profession Act, 1990*, an affidavit of execution is not required if:

- (a) the person executing the application:
 - (i) is personally known to the lawyer, or if the lawyer is satisfied that the person is who he or she purports to be;
 - (ii) is the person named in the application and whose name is subscribed to the application;

- (iii) was in the presence of the lawyer when the person duly signed and executed the application; and
- (iv) is 18 years of age or more; and
- (b) under the lawyer's signature, the lawyer clearly identifies his or her:
 - (i) name; and
 - (ii) status as a lawyer in Saskatchewan.

20 Jly 2001 cL-5.1 Reg 1 s27.

Documents signed by a member of the Canadian Armed Forces

28 Notwithstanding section 24, the Registrar may register any authorization for an application purporting to be executed by a member of the Canadian Armed Forces if:

- (a) the affidavit of execution purports to be sworn before a commissioned officer holding the rank of:
 - (i) lieutenant in the naval forces;
 - (ii) captain in the land or the air forces; or
 - (iii) a higher rank in any of those forces; and
- (b) under the officer's signature, the officer has stated:
 - (i) his or her rank; and
 - (ii) the company, battalion, regiment, corps or other unit to which the officer is attached.

20 Jly 2001 cL-5.1 Reg 1 s28; 26 Nov 2004 SR 113/2004 s14.

Documents signed on behalf of a person with physical disability

29(1) Where a person executes an application on behalf of another person who, because of a physical disability, is unable to execute the application, in addition to the requirements set out in section 24, the affidavit of execution must state that:

- (a) the person who executed the application did so on behalf of a person who, because of a physical disability, was unable to execute the application;
 - (b) the person who executed the application read the application to the person with the physical disability and that person appeared to understand the application;
 - (c) the person with the physical disability directed the person who executed the application to execute the application on his or her behalf; and
 - (d) both the person with the physical disability and the person who executed the application are personally known to the witness.
- (2) An affidavit of execution made in accordance with subsection (1) constitutes evidence satisfactory to the Registrar for the purposes of subsection 13(5).

20 Jly 2001 cL-5.1 Reg 1 s29; 26 Nov 2004 SR 113/2004 s15.

Documents signed by mark

29.1(1) For the purposes of this section:

- (a) **“mark”** includes a cross, X or any other mark acceptable to the Registrar made in substitution for the signature of an individual who is unable to execute the application by signature;
 - (b) **“signature”** does not include an electronic signature.
- (2) If a person who is unable to execute the application by signature executes an application by mark, in addition to the requirements set out in section 24, the affidavit of execution must state that:
- (a) the person who executed the application did so by mark because he or she is unable to execute the application by signature;
 - (b) the witness read the application to the person who made the mark and that person appeared to understand the application; and
 - (c) the person who executed the application by affixing a mark did so in the presence of the witness.

20 Feb 2009 SR 12/2009 s17.

Affidavits of identity

30(1) Subject to sections 80 and 81, where the name of a registered owner or interest holder in an application does not match the name of the registered owner or interest holder on record in the land titles registry or the abstract directory, as the case may be, and where the two persons named are the same person, the Registrar may accept an affidavit of identity in support of the application that is sworn or affirmed by the registered owner or interest holder or by a person on behalf of the registered owner or interest holder.

(2) The person swearing or affirming the affidavit of identity mentioned in subsection (1) must:

- (a) state that the person named as the registered owner or interest holder in the application is the same person as the person named as the registered owner or interest holder on record in the land titles registry or the abstract directory, as the case may be; and
 - (b) state the person's correct name.
- (3) An affidavit of identity may be sworn or affirmed by:
- (a) the registered owner or any person authorized to execute an authorization pursuant to Division 2 of this Part;
 - (b) a personal representative or trustee in bankruptcy pursuant to Division 2 of Part VIII;

- (c) an alternate authority pursuant to Division 3 of Part VIII;
- (d) a lawyer acting on behalf of any of the persons mentioned in clauses (a) to (c); or
- (e) any other person acceptable to the Registrar to sign on behalf of the registered owner.

20 Jly 2001 cL-5.1 Reg 1 s30; 22 Mar 2002 SR 21/2002 s9; 20 Feb 2009 SR 12/2009 s18.

PART III Transfers of Titles

Application to register a transfer

31(1) Subject to Division 1 and Division 2 of Part VIII, an application to register a transfer must specify:

- (a) the title number of the title being transferred;
- (b) where the transferee is an individual:
 - (i) the transferee's name, as set out in section 10; and
 - (ii) the transferee's:
 - (A) client number; or
 - (B) address and telephone number;
- (c) where the transferee is a body corporate, the transferee's name and client number, as set out in subsection 11(2);
- (d) where there is more than one transferee, the fractional share of each title to be issued for the parcel; and
- (e) the value of the title being issued.

(2) Where transferees are to hold title as joint tenants with no survivorship, the applicant shall specify on the application for registration of the transfer that title is to issue to the registered owners as joint tenants with no survivorship.

(2.1) For the purposes of clause 12(5)(c) of the Act, no mineral title is to reference an undivided fractional interest that is less than an undivided one-twentieth of the whole interest in mines and minerals or in any mineral commodity contained in that mineral title.

(3) For the purposes of section 26 and subsection 27(1) of the Act, the time assigned to the registration of a transfer in the land titles registry is the time that the transfer is registered in the land titles registry.

(4) Subject to subsection (5), an application to register a transfer must be accompanied by a sworn affidavit stating the value of the title to be issued.

(5) If, by the same transaction, more than one title or parcel is being transferred to the same transferee for a certain value and the transferor and the transferee have not otherwise allocated the value between those titles and parcels:

- (a) in the affidavit mentioned in subsection (4), the deponent must:
 - (i) state the total value of all titles or parcels involved in the transaction; and
 - (ii) allocate the total value mentioned in subclause (i) between each title or parcel involved in the transaction; and
- (b) each application for a new title pursuant to the transaction must state the value allocated to the title or parcel in accordance with subclause (a)(ii).

(6) On receipt of an affidavit in accordance with subsection (5), the Registrar may accept the allocation of values mentioned in subclause (5)(a)(ii), without further inquiry.

20 Jly 2001 cL-5.1 Reg 1 s31; 4 Apr 2003 SR 24/2003 s3; 9 Mar 2012 SR 10/2012 s3.

Expropriations

32 Where a title has been lawfully expropriated, the Registrar shall treat the expropriation as a full transfer of the title pursuant to subsection 12(7) of the Act.

20 Jly 2001 cL-5.1 Reg 1 s32.

PART IV Parcel Changes

Application for title respecting new parcel

33(1) For the purposes of section 44 of the Act, a person who wishes to obtain a title respecting a new parcel must apply to the Registrar in the form provided.

- (2) An application pursuant to subsection (1) must include:
 - (a) an application to surrender all titles to the former parcel; and
 - (b) an application to issue titles to all new parcels shown on a plan approved by the Controller of Surveys pursuant to section 37 of *The Land Surveys Act, 2000*.
- (3) Subject to subsection (4), an application pursuant to subsection (1) must be accompanied by a sworn affidavit stating the value of the title being issued.
- (4) If a plan of survey approved by the Controller of Surveys pursuant to section 37 of *The Land Surveys Act, 2000* creates a new parcel within a previously existing parcel, in the affidavit mentioned in subsection (3), the deponent must:
 - (a) identify the new parcel and state the value of the title to the new parcel; and

(b) identify the remainder portion of the previously existing parcel that was retained by the original owner and:

(i) if the value of the title for the remainder portion of the previously existing parcel that was retained by the original owner is not known, state that the applicant does not know the value of the remainder portion of the previously existing parcel that was retained by the original owner; or

(ii) if the value of the title for the remainder portion of the previously existing parcel that was retained by the original owner is known, state the value of that title.

(5) On receipt of an affidavit in accordance with subsection (4), the Registrar may accept any sworn statement made pursuant to subclause (4)(b)(i), without further inquiry.

20 Jly 2001 cL-5.1 Reg 1 s33; 4 Apr 2003 SR 24/2003 s4; 20 Feb 2009 SR 12/2009 s19.

Application for title respecting new condominium unit

34(1) Subject to subsection (3), a person who wishes to obtain a title respecting a new condominium unit must apply to the Registrar in the form provided.

(2) An application pursuant to subsection (1) must include:

(a) an application to surrender all titles to the former parcel or condominium unit; and

(b) an application to issue titles to all new condominium units shown on a plan approved by the Controller of Surveys pursuant to section 37 of *The Land Surveys Act, 2000*.

(3) The Registrar may accept an authorization from the condominium corporation as sufficient authorization to surrender all existing titles to every affected condominium unit and issue new titles where the issuance of titles is with respect to:

(a) a replacement plan in a phased condominium development;

(b) an amendment of a plan;

(c) an amalgamation of two or more condominium corporations; or

(d) a termination of a condominium corporation.

(4) An application pursuant to subsection (1) must be accompanied by a sworn affidavit stating the value of the title being issued.

20 Jly 2001 cL-5.1 Reg 1 s34; 4 Apr 2003 SR 24/2003 s5.

35 Repealed. 4 Apr 2003 SR 23/2003 s6.

PART V
Interests
 DIVISION 1
Registration of Interests

Registrable interests

36(1) The Registrar shall make available to the public a list of interests that are registrable pursuant to clause 50(1)(a) of the Act.

(2) For the purposes of clause 50(1)(c) of the Act, the following are designated as registrable interests:

- (a) any right or interest in land based on an agreement in writing between Canada and Saskatchewan;
 - (b) a Registrar's notice made in accordance with subsection 106(2);
 - (c) an interest held by a personal representative in his or her capacity as personal representative for the estate of a deceased person;
 - (d) an interest held by a trustee in bankruptcy in his or her capacity as trustee in bankruptcy of the bankrupt's estate;
 - (e) a notice pursuant to clause 46(2)(b) to lapse the registration of an interest;
 - (f) a postponement of a registered interest;
 - (g) a revocation of a power of attorney;
 - (h) an assignment of rents;
 - (i) a mortgage of a lease;
 - (j) an assignment of a lease as security;
 - (k) a sheriff's notice of seizure of a security interest pursuant to *The Enforcement of Money Judgments Act*;
 - (l) a sheriff's notice of seizure of an interest in land pursuant to *The Enforcement of Money Judgments Act*.
- (3) For the purposes of clause 50(1)(c), a mineral commodity agreement is designated as a registrable interest.

22 Mar 2002 SR 21/2002 s10; 20 Feb 2009 SR
 12/2009 s20; 28 May 2012 SR 35/2012 s6.

Application to register an interest

37(1) Subject to subsection (2), an application to register an interest must specify:

- (a) where the interest is to be registered against a fractional share of an interest, the share number of each fractional share of the interest against which the interest is to be registered; and
- (b) the fractional share of each holder of the interest to be registered.

- (2) Where the interest to be registered is based on a judgment, subsection (1) does not apply.
- (3) Where a number has not been assigned by the Registrar to the title, interest register, interest or interest share against which an interest is sought to be registered, the application to register the interest must specify the application sequence number against which the interest is sought to be registered.
- (4) For the purposes of section 26 and subsection 27(1) of the Act, the time assigned to the registration of an interest in the land titles registry is the time that the interest is registered in the land titles registry.

20 Jly 2001 cL-5.1 Reg 1 s37; 20 Feb 2009 SR
12/2009 s21; 28 May 2012 SR 35/2012 s7.

Additional application information

- 38(1)** Where the interest to be registered is registrable pursuant to another Act or any Act of the Parliament of Canada, the application must be accompanied by the form, if any, prescribed by that Act or that Act of the Parliament of Canada.
- (2) Where the interest to be registered is a registerable interest other than a registerable interest mentioned in subsection (1), the application must:
- (a) include a brief description of the interest claimed, with sufficient detail to identify the interest; or
 - (b) be accompanied by:
 - (i) a summary of the interest claimed; or
 - (ii) a copy of the instrument or agreement establishing the interest.
- (3) Where any of the following interests are to be registered, the application must specify the value of the interest being registered:
- (a) an interest based on a mortgage;
 - (b) an interest based on a security pursuant to the *Bank Act (Canada)*;
 - (c) an interest based on a builder's lien;
 - (d) an interest based on arbitration costs pursuant to *The Condominium Property Act, 1993*;
 - (e) an interest based on a lien for arrears pursuant to *The Condominium Property Act, 1993*;
 - (f) an interest created pursuant to *The Provincial Lands Act*;
 - (g) an interest based on a lien pursuant to section 40 of *The Public Guardian and Trustee Act*.

(4) Where any of the following interests are to be registered against a dominant tenement and a servient tenement, the application must specify the parcel number assigned to the dominant tenement and the servient tenement:

- (a) an interest based on an easement, if there is a dominant tenement;
- (b) an interest based on a party-wall agreement;
- (c) an interest based on a restrictive covenant.

20 Jly 2001 cL-5.1 Reg 1 s38; 4 Apr 2003 SR 23/2003 s7.

Aeronautics Act implied interests

38.1(1) Zoning regulations made pursuant to the *Aeronautics Act* (Canada) constitute an implied interest on title pursuant to section 18 of the Act on the deposit with the Controller of Surveys of:

- (a) a copy of the zoning regulations; and
- (b) the associated plan and a description of the lands affected by the zoning regulations prepared in accordance with subsection 5.6(2) of the *Aeronautics Act* (Canada).

(2) Deposit of the copy of the zoning regulations, associated plan and description of lands with the Controller of Surveys pursuant to this section constitutes deposit of the zoning regulations, associated plan and description of lands on record in the office of the Registrar of Land Titles for the purposes of the *Aeronautics Act* (Canada).

9 Mar 2012 SR 10/2012 s4.

Duration of interest registration

39(1) In accordance with subsection 55(1) of the Act, on an application for registration of an interest, the applicant may specify the date on which the registration is to expire.

(2) Where an expiry date is specified pursuant to subsection (1), unless the registration is renewed in accordance with the Act and these regulations, registration of the interest is not effective after the expiry date.

20 Jly 2001 cL-5.1 Reg 1 s39; 28 May 2012 SR 35/2012 s8.

Renewal of interest registration

40 Pursuant to section 56 of the Act, an application to renew the registration of an interest must:

- (a) specify the new expiry date for the registration, if any; and
- (b) include the authorization of each holder of the registered interest being renewed.

20 Jly 2001 cL-5.1 Reg 1 s40.

DIVISION 2
Dealing with Interests

Amendments to interest registration

41(1) An application to amend the registration of an interest must:

- (a) specify the nature of the amendment;
- (b) include an authorization for each holder of the registered interest being amended.

(2) An amendment of an interest registered as a mutual easement, party wall agreement, restrictive covenant, or non-mutual easement, other than an amendment of an interest by registering it against a new title or interest, must include the consent of all interest holders, including holders of an interest registered against an interest that are registered after the mutual easement, party wall agreement, restrictive covenant or non-mutual easement.

(3) An application to amend an interest by registering it against a new title or interest must provide the name, client number and postal address of the interest holder in accordance with subsections 10(4) and (5) and 11(2).

20 Jly 2001 cL-5.1 Reg 1 s41; 20 Feb 2009 SR
12/2009 s22.

Assignment of interest

42 An application to register an assignment of a registered interest must:

- (a) specify, where applicable:
 - (i) the proposed fractional shares in the interest being assigned; and
 - (ii) the interest within an interest register being assigned; and
- (b) include an authorization for each holder of the interest being assigned.

20 Jly 2001 cL-5.1 Reg 1 s42.

Discharge of interest

43(1) An application to effect a partial or complete discharge of the registration of an interest must include an authorization for each interest holder of the registered interest being partially or completely discharged.

(2) A written authorization executed by the Director of Maintenance Enforcement must be submitted to the Registrar to discharge an interest registered in the land titles registry based on a maintenance order.

(3) Subject to subsection (4), where the interest to be discharged is a mutual easement, party wall agreement, restrictive covenant, or non-mutual easement, the application to discharge the registration of that interest must be accompanied by the written consent of:

- (a) the holder of any interest registered subsequent to the original registration against the same title; and
- (b) the holder of any interest registered subsequent to the original registration against any interest registered against the same title.

(4) Where the interest to be discharged is a restrictive covenant, the written consent of the holders mentioned in clauses (3)(a) and (b) of an interest registered as a joint-use utility easement is not required to accompany the application to discharge the restrictive covenant.

20 Jly 2001 cL-5.1 Reg 1 s43; 20 Feb 2009 SR 12/2009 s23.

Summary discharge of judgments from land titles registry

44(1) An application for summary discharge of an interest based on a judgment pursuant to section 175 of the Act that is registered against a title or other interest must include, as authorization to the Registrar to discharge the interest, an affidavit of the registered owner or holder of the interest against which the interest based on a judgment is registered, stating:

- (a) the deponent's full name;
- (b) the title number, interest register number, interest number or share number against which the interest based on a judgment is registered;
- (c) that the deponent is a registered owner of the title or holder of the interest against which the interest based on a judgment is registered;
- (d) if applicable, that the name of the debtor named in the judgment is similar to the deponent's name; and
- (e) that the deponent is not the debtor named in the judgment.

(2) If the applicant pursuant to subsection (1) is a body corporate, the affidavit required by that subsection must be sworn or affirmed by an officer of the body corporate authorized to execute documents on behalf of the body corporate.

(3) If a judgment has registered against a title or other interest that has been transferred, the title owner or interest holder at the time the judgment was registered must execute the affidavit mentioned in subsection (1).

28 May 2012 SR 35/2012 s9.

Postponement

45(1) Pursuant to subsection 62(3) of the Act, an application to register a postponement of an interest must include:

- (a) a document summarizing the postponement agreement; or
- (b) a copy of the instrument or agreement establishing the postponement.

(2) A written authorization executed by the Director of Maintenance Enforcement must be submitted to the Registrar to postpone an interest registered in the land titles registry based on a maintenance order.

20 Jly 2001 cL-5.1 Reg 1 s45.

Lapsing

46(1) Subject to section 47, any of the following persons may apply to the Registrar to lapse a registered interest or interest share:

- (a) the registered owner of the affected land;
 - (b) the holder of an interest or share against which the interest or share sought to be lapsed is registered;
 - (c) any person with a registrable interest pursuant to section 50 of the Act;
 - (d) a person who is a member in good standing of the Law Society of Saskatchewan acting on behalf of a person mentioned in clause (a), (b) or (c).
- (2) On receipt of an application pursuant to subsection (1), if the Registrar is satisfied that the applicant has the authority to seek the lapse of the registered interest or interest share, the Registrar shall:
- (a) register an interest against the interest or share to be lapsed; and
 - (b) subject to subsection (5), send a notice to the holder of the interest or share to be lapsed, stating that the interest or share will lapse 30 days after the notice is sent, and be subject to discharge, unless an interest based on a court order has been registered against the affected title, interest or share extending the registration of the interest or share.
- (3) The Registrar shall send the notice mentioned in clause (2)(b) to the holder of the interest or share:
- (a) at his or her address as recorded in the land registry; or
 - (b) if the holder of the interest or share has selected a method of receiving verification statements and notification statements pursuant to subsection 22(6), in accordance with that method.
- (4) The Registrar shall send the notice mentioned in clause (2)(b) to the personal representative, trustee in bankruptcy or alternate authority, as the case may be, if an interest based on any of the following notices has been registered against the interest or share to be lapsed:
- (a) notice that the interest is held by a personal representative pursuant to clause 72(1)(b);
 - (b) notice that the interest is held by a trustee in bankruptcy pursuant to clause 74(1)(b);
 - (c) notice pursuant to section 57 of *The Adult Guardianship and Co-decision-making Act*.

- (5) The Registrar is not required to send the notice mentioned in clause (2)(b) if the address of the holder of the interest or share is as described in clause 22(8)(a) or (b).
- (6) The Registrar may extend the 30-day notice period for the registration of an interest based on a court order extending the registration of the interest or share sought to be lapsed if, in the opinion of the Registrar, circumstances warrant.
- (7) On receipt of an application to discharge the interest or share sought to be lapsed, the Registrar shall register a discharge of the interest or share:
- (a) if the 30-day notice period has expired;
 - (b) if no interest based on a court order extending the registration of the interest or share beyond the 30-day notice period has been registered against the affected title, interest or share; and
 - (c) if the 30-day notice period has not been extended pursuant to subsection (6).
- (8) Notwithstanding any other provision of this section or subsection 189(1) of the Act, if, on or before December 5, 2004, a registered owner or interest holder served a notice to lapse pursuant to this section, the registered owner or interest holder shall continue the lapsing process in accordance with this section as it existed at the time the notice was served.
- (9) If an interest or interest share that has been lapsed pursuant to this section is re-registered, it may be removed by the Registrar as an invalid interest on receipt of evidence that is acceptable to the Registrar that the interest or interest share has previously been lapsed.

26 Nov 2004 SR 113/2004 s16; 20 Feb 2009 SR
12/2009 s25.

Exceptions to the lapsing process

- 47(1) Notwithstanding section 46, registration of the following interests is not to lapse:
- (a) an interest based on a mortgage;
 - (b) an interest based on a lease if there is an interest registered against the lease;
 - (c) an interest based on an easement if there is a dominant tenement;
 - (d) an interest based on a party wall agreement;
 - (e) an interest based on a restrictive covenant;
 - (f) an interest based on a court order;
 - (g) an interest based on an Act or an Act of the Parliament of Canada, unless that Act or Act of the Parliament of Canada specifically provides for the lapsing of that interest;

- (h) an interest based on a judgment;
 - (i) an interest based on a notice of a personal representative;
 - (j) an interest based on a notice of a trustee in bankruptcy;
 - (k) an interest designated as a registrable interest pursuant to subsection 36(2);
 - (l) a postponement of any interest mentioned in clauses (a) to (k).
- (2) Notwithstanding subsection (1), if any of the interests listed in subsection (1) are registered as an interest type other than an interest type listed in that subsection, the interest may be lapsed by the Registrar in accordance with these regulations.

20 Jly 2001 cL-5.1 Reg 1 s47; 22 Mar 2002 SR 21/2002 s11; 20 Feb 2009 SR 12/2009 s26; 28 May 2012 SR 35/2012 s10.

Removal of interest registration on Crown direction

48(1) Where the Crown wishes to remove any interest registered against a title held by the Crown, the Crown shall apply to the Registrar, in the form provided, to discharge the interest.

(2) An application pursuant to subsection (1) must include a direction to the Registrar, in a form acceptable to the Registrar, to remove the interest.

20 Jly 2001 cL-5.1 Reg 1 s48.

Exhausted interests

49(1) Pursuant to subsection 67(2) of the Act, registration of the following interests is subject to discharge from the land titles registry for exhaustion:

- (a) a conversion caveat based on a building restriction agreement;
- (b) a restrictive covenant;
- (c) an interest protecting homestead rights pursuant to *The Homesteads Act, 1989* or any former *Homesteads Act*;
- (d) a replotting scheme pursuant to *The Planning and Development Act, 1983*;
- (e) an order of The Board of Arbitration or the court pursuant to *The Surface Rights Acquisition and Compensation Act*;
- (f) a party wall agreement where the buildings have been demolished;
- (g) a postponement for which all interests benefiting from the postponement have been discharged;
- (h) a caveat or miscellaneous interest registered to protect a purchaser's interest under an agreement for sale, where the interest holder becomes the title owner and where the interest holder is deceased without probate or cannot be located;

- (i) an interest that protects a life interest where the life tenant has died;
 - (j) any other interest for which the circumstances in subsection (2) apply.
- (2) For the purposes of subsection 67(1) of the Act, an interest mentioned in subsection (1) is exhausted when:
- (a) the instrument on which the interest is based expires through the passage of time in accordance with an express provision in the instrument;
 - (b) an event occurs that renders the interest unenforceable in accordance with:
 - (i) an express provision in the instrument; or
 - (ii) any Act or Act of the Parliament of Canada; or
 - (c) the obligations that the interest protects are unable to be performed due to the occurrence of an unforeseen event that makes performance impossible.
- (3) Any interest mentioned in clause (1)(a) or (b) is exhausted when 50 years or more have passed since the date the interest was registered in the land titles registry.
- (3.1) Subsection (3) does not apply with respect to a caveat filed pursuant to:
- (a) section 131 of *The Community Planning Act, 1957*;
 - (b) section 137 of *The Community Planning Act*;
 - (c) section 236 of *The Planning and Development Act, 2007*; or
 - (d) any former *Planning and Development Act*.
- (4) After an interest has been exhausted in accordance with subsection (2) or (3), a registered owner or interest holder against whose title or interest the exhausted interest is registered and who wishes to discharge the exhausted interest must apply to the Registrar, in the form provided, to discharge the registration.
- (5) An application pursuant to subsection (4) must include evidence satisfactory to the Registrar to prove the exhaustion pursuant to clause 2(a), (b) or (c).
- (6) For the purposes of clauses (1)(a) and (b), an interest based on a conversion caveat based on a building restriction agreement or an interest based on a restrictive covenant may be discharged by the Registrar on the submission to the Registrar of a signed authorization from the title owner or interest holder against which the caveat based on a building restriction agreement or restrictive covenant is registered indicating that the interest is discharged pursuant to this section based on exhaustion.
- (7) For the purposes of clause (1)(f), an interest based on a party wall agreement where the buildings have been demolished may be discharged by the Registrar on the submission to the Registrar of an affidavit stating that the buildings have been demolished and that there is no intention to rebuild the buildings with the party wall.

(8) For the purposes of clause (1)(g), a postponement for which the original interest against which the postponement was registered has been discharged may be discharged by the Registrar on the submission to the Registrar of a discharge by the benefiting party or the submission of a discharge by the non-benefiting party or the registered owner, or by a lawyer on behalf of either, accompanied by an affidavit stating that the postponement is still registered against the non-benefiting interest notwithstanding the discharge of the benefiting interest.

(9) For the purposes of clause (1)(h), an interest based on a purchaser's interest under an agreement for sale may be discharged by the Registrar on the submission to the Registrar of an affidavit stating that the agreement for sale has been fulfilled and the interest has been exhausted from:

- (a) the present owner of the title; or
- (b) the personal representative of the deceased interest holder.

(10) For the purposes of clause (1)(i), an interest that protects a life interest where the life tenant has died may be discharged by the personal representative or by the title owner on the submission to the Registrar of an affidavit from the title owner or a lawyer on the title owner's behalf stating that the life tenant has died and providing proof of death pursuant to section 69.3.

(11) An interest may be discharged pursuant to clause (2)(c) on submission of evidence acceptable to the Registrar that an unforeseen event has occurred that has made performance of the obligations underlying the interest impossible.

20 Jly 2001 cL-5.1 Reg 1 s49; 20 Feb 2009 SR
12/2009 s27.

Special rules relating to the Provincial Mediation Board

50(1) Where a tax lien has been registered as an interest against a title, the applicant or the Provincial Mediation Board may apply to the Registrar to register an interest based on a Provincial Mediation Board Consent and a Provincial Mediation Board Order.

(2) Where the interest based on a Provincial Mediation Board Order or Consent is submitted pursuant to subsection (1), the interest may be registered as an interest against the interest based on the tax lien.

20 Jly 2001 cL-5.1 Reg 1 s50.

PART VI
Searches

DIVISION 1
General

Interpretation of Part

51 In this Part, “**applicant**” means an applicant for a search of the land titles registry, the abstract directory or the judgment registry pursuant to this Part.

20 Jly 2001 cL-5.1 Reg 1 s51; 28 May 2012 SR 35/2012 s11.

Search requests

52(1) An applicant may request a search of the land titles registry, the abstract directory, the grant directory or the judgment registry:

- (a) in person by attending at any customer service centre maintained by the Registrar; or
- (b) by submitting a request through:
 - (i) postal mail;
 - (ii) electronic mail; or
 - (iii) facsimile transmission.

(2) Where a person requesting a search in accordance with subsection (1) does not have a client number, that person must provide his or her name and mailing address.

(3) Any person who, pursuant to an agreement with the Registrar, has been assigned an electronic access account for the land registry may conduct an electronic search of the land titles registry, the abstract directory, the grant directory or the judgment registry in the form provided.

20 Jly 2001 cL-5.1 Reg 1 s52; 20 Feb 2009 SR 12/2009 s28; 28 May 2012 SR 35/2012 s12.

Search results

53(1) The Registrar shall provide a search result to an applicant by any one of the following methods:

- (a) subject to clause (b), in person where the applicant attends at a customer service centre;
- (b) by mail where the applicant attends at a customer service centre and requests:
 - (i) the search result be provided in large print format; or
 - (ii) a certified copy of the search result be provided on security paper of the land registry;

- (c) by mail where an electronic search is conducted from a location other than from a customer service centre.
- (2) Subject to sections 54 and 55, search results provided by the Registrar:
- (a) are to include information actively maintained in the land titles registry, the abstract directory or the judgment registry corresponding to the search criteria specified by the applicant; and
- (b) where the search is with respect to a name, may include information actively maintained in the land titles registry, the abstract directory or the judgment registry corresponding to search criteria similar to the search criteria specified by the applicant.
- (3) For the purposes of clause (2)(b), “**search criteria similar to the search criteria specified by the applicant**” means:
- (a) a search conducted for similar names as permitted by the land titles registry, abstract registry and the judgment registry; or
- (b) a search as permitted by the land titles registry, abstract registry and the judgment registry based on criteria specified by the applicant.

20 Jly 2001 cL-5.1 Reg 1 s53; 28 May 2012 SR
35/2012 s13.

Printed title

54 For the purposes of subsection 79(2) of the Act, a title is a printed title if it is a paper copy or printout of the title provided by the Registrar and certified:

- (a) by:
- (i) affixing the Registrar’s seal to the copy or printout;
- (ii) the Registrar signing the copy or printout; and
- (iii) affixing to the copy or printout the date it was prepared by the land titles registry; or
- (b) by printing the document on the security paper of the land registry.

20 Jly 2001 cL-5.1 Reg 1 s54.

Printed search result

55(1) Subject to sections 20 and 29 of *The Enforcement of Money Judgments Act*, for the purposes of subsection 79(1) of the Act, a search result is a printed search result if it is a certified copy provided by the Registrar that lists:

- (a) the registered interests on a printed title;
- (b) the judgments registered in the name of a specified debtor; or
- (c) the judgments registered in the name of a specified debtor and the time of registration of each of those judgments in the judgment registry.
- (2) Pursuant to subsection (1), a printed search result must be certified by the Registrar in the same manner that a printed title is certified pursuant to section 54.

20 Jly 2001 cL-5.1 Reg 1 s55; 28 May 2012 SR
35/2012 s14.

Informational printout

56 A printout by the land titles registry other than a printed title or printed search result provided by the Registrar pursuant to section 54 or 55 is for informational purposes only.

20 Jly 2001 cL-5.1 Reg 1 s56; 28 May 2012 SR
35/2012 s15.

DIVISION 2
Searches of the Land Titles Registry

Current title searches

57 A search of the land titles registry for the current status of a title may be performed based on any one of the following criteria:

- (a) a parcel number;
- (b) a title number;
- (c) the name of a registered owner;
- (d) a legal land description.

20 Jly 2001 cL-5.1 Reg 1 s57.

Customized searches

58(1) In this section, “**client name**” means the name of, as the case may be:

- (a) a registered owner;
- (b) an interest holder;
- (c) a personal representative for the estate of a deceased person;
- (d) a trustee in bankruptcy;
- (e) a liquidator;
- (f) a guardian or trustee of the property of a child;
- (g) a property guardian for a dependent adult;
- (h) a person who has applied to the Registrar for registration.

(2) A customized search of the land titles registry may be performed based on any one of the following criteria:

- (a) a parcel number;
- (b) a title number;
- (c) a client name;
- (d) a legal land description;

- (e) an interest number;
 - (f) an interest register number;
 - (g) a number identifying a document mentioned in clause 38(2)(b);
 - (h) a number assigned by the Controller of Surveys in approving a plan respecting an interest in land pursuant to subsection 31(2) of *The Land Surveys Act, 2000*;
 - (i) a packet number; or
 - (j) an abstract number.
- (3) A customized search of shortform lease and mortgage covenants may be performed based on any of the following criteria:
- (a) the document number assigned by the Registrar;
 - (b) the name of the lessor or mortgagee associated with the shortform lease or mortgage covenant for which a document number is assigned;
 - (c) the client number of the person who submitted the shortform lease or mortgage covenant;
 - (d) the reference number assigned by the person who submitted the shortform lease or mortgage covenant;
 - (e) the type of shortform covenant;
 - (f) the active or inactive status of the shortform covenant.

20 Jly 2001 cL-5.1 Reg 1 s58; 9 Mar 2012 SR
10/2012 s5.

Crown grant searches

59 A search of the grant directory for a Crown grant may be performed based on any one of the following criteria:

- (a) the land description;
- (b) the name of person who appears on the Crown grant as the grantee.

20 Jly 2001 cL-5.1 Reg 1 s59; 28 May 2012 SR
35/2012 s15.

Land titles registry search results

60 A search result of the land titles registry includes:

- (a) details that correspond to the criteria searched; and
- (b) any other details available in the land titles registry that relate to the criteria searched.

20 Jly 2001 cL-5.1 Reg 1 s60.

DIVISION 3
Searches of the Abstract Directory

Abstract directory searches

61 A search of the abstract directory may be performed based on any one of the following criteria:

- (a) a parcel number;
- (b) an abstract number;
- (c) a legal land description.

20 Jly 2001 cL-5.1 Reg 1 s61.

Abstract directory search results

62 A search result of the abstract directory includes:

- (a) details that correspond to the criteria searched; and
- (b) any other details available in the abstract directory that relate to the criteria searched.

20 Jly 2001 cL-5.1 Reg 1 s62.

DIVISION 4
Searches of the Judgment Registry

Judgment registry searches

63 A search of the judgment registry may be performed based on any one of the following criteria:

- (a) the name of a debtor;
- (b) a judgment registry number;
- (c) a land titles registration number, which is the number assigned to the writ on the filing of the writ in a land titles office in a former land registration district.

28 May 2012 SR 35/2012 s16.

Judgment registry search results

64 A judgment registry search result includes:

- (a) details that correspond to the criteria searched; and
- (b) any other details available in the judgment registry that relate to the criteria searched.

28 May 2012 SR 35/2012 s16.

DIVISION 5
Documents and Evidence

Certified copies

65(1) For the purposes of subsections 78(2) and 82(1) and clause 82(2)(b) of the Act, the Registrar may certify a copy of a printed document in the land titles registry or a printout of a document recorded and stored in the land titles registry or a record of the judgment registry:

- (a) by:
 - (i) affixing the Registrar's seal to the copy or printout;
 - (ii) signing the copy or printout; and
 - (iii) affixing to the copy or printout the date it was prepared; or
 - (b) printing the document on the security paper of the land registry.
- (2) For the purposes of subsections 80(3) and 81(5) and clause 82(2)(a) of the Act, a document has been printed in accordance with these regulations if it is printed on the security paper of the land registry.

20 Jly 2001 cL-5.1 Reg 1 s65; 28 May 2012 SR
35/2012 s17.

Microfilmed documents

66 For the purposes of subsection 80(4) of the Act, where a document exists in microfilm form in a former land registration district on the day before the day on which this Act comes into force in that district, an image produced from the microfilm form is admissible in evidence in accordance with that subsection.

20 Jly 2001 cL-5.1 Reg 1 s66.

PART VII
Mineral Commodities

Mineral commodities

67(1) In this section, "**strata**" means oil and gas rights as defined pursuant to section 27 of *The Oil and Gas Conservation, Stabilization and Development Act, 1973*.

(2) The following mineral commodities are designated for the purposes of subsection (3):

- (a) all mines and minerals;
- (b) coal;
- (c) petroleum and natural gas;
- (d) petroleum, natural gas and all other hydrocarbons;
- (e) coal and valuable stone;
- (f) petroleum;
- (g) natural gas;

- (h) petroleum and natural gas other than strata;
 - (i) petroleum, natural gas and all other hydrocarbons other than strata;
 - (j) strata;
 - (k) potash;
 - (l) all minerals in the mineral parcel except the minerals described in all other mineral commodity titles for the same parcel;
 - (m) any other mineral commodity listed on a certificate of title that is converted pursuant to subsection 195(2) of the Act that is not listed in clauses (a) to (l).
- (3) In the conversion of a certificate of title to a mineral title or to an uncertified mineral title pursuant to subsection 195(2) of the Act, any mineral description on the certificate of title may be restated on the title as a mineral commodity designated pursuant to subsection (2).
- (4) After the coming into force of the Act, where a first title is issued for a mineral commodity, the title may be for any of the following mineral commodities:
- (a) all mines and minerals;
 - (b) coal;
 - (c) petroleum and natural gas;
 - (d) all minerals in the mineral parcel except the minerals described in all other mineral commodity titles for the same parcel.
- (5) Any hydrocarbon that is considered in fact or in law to be associated with any mineral commodity mentioned in subsection (2) or (4) is included in that mineral commodity, notwithstanding that hydrocarbon is not specifically mentioned in the mineral commodity.

20 Jly 2001 cL-5.1 Reg 1 s67.

Certification of uncertified mineral titles

68(1) Pursuant to subsection 17(1) of the Act, a person who wishes to apply for certification of an uncertified mineral title shall apply to the Registrar in the form provided.

(2) On completion of a search and examination of the records of the land titles registry and the abstract directory, if the Registrar is not satisfied that the purported ownership of the uncertified mineral title is correct, the Registrar shall notify the applicant, where applicable, and the owner of the result.

20 Jly 2001 cL-5.1 Reg 1 s68.

Severance of mineral commodity titles

69(1) Subject to subsections (2) and (4), an application may be made to sever a mineral commodity mentioned in clause 67(2)(a) or (l) or clause 67(4)(a) or (d).

(2) Where a title for a mineral commodity mentioned in clause 67(2)(a) or (l) or clause 67(4)(a) or (d) is severed, the following are the mineral commodities for which the Registrar may issue title:

- (a) coal;
- (b) petroleum and natural gas;
- (c) all minerals in the mineral parcel except the minerals described in all other mineral commodity titles for the same parcel.

(3) An application to sever a mineral title pursuant to subsection (1) must be made in the form provided and specify the value of each title for each new mineral commodity.

(4) In the case of more than one mineral title having been issued for a mineral commodity in a mineral parcel, an application to sever mineral titles must be submitted to the Registrar by all mineral title owners for that mineral commodity.

(5) An application mentioned in subsection (4) must:

- (a) specify:
 - (i) the value of each title for each new mineral commodity; and
 - (ii) the title number for each mineral title for the mineral commodity being severed; and
- (b) include an authorization from all mineral title owners for all mineral commodities in the parcel.

(6) Any hydrocarbon that is considered in fact or in law to be associated with any mineral commodity mentioned in subsection (2) is included in that mineral commodity, notwithstanding that hydrocarbon is not specifically mentioned in the mineral commodity.

20 Jly 2001 cL-5.1 Reg 1 s69; 20 Feb 2009 SR 12/2009 s29.

Transfers of uncertified mineral titles in designated areas

69.1 Pursuant to subsection 48(2) of the Act, a transfer respecting an uncertified mineral title may be registered in the land titles registry where the title that is the subject of the transfer is not within a township listed in Appendix 3.

6 Jly 2001 SR 44/2001 s4.

Transfers of uncertified mineral titles

69.2 Pursuant to subsection 48(2) of the Act, a transfer respecting an uncertified mineral title may be registered in the land titles registry if the title that is the subject of the transfer is within a township listed in Appendix 3.

26 Nov 2004 SR 113/2004 s17.

PART VIII
Owners

DIVISION 1
Surviving Joint Tenant

Proof of death

69.3(1) For the purposes of this Part, the Registrar may accept any of the following as evidence that the registered owner or joint tenant has died:

- (a) letters probate;
- (b) letters of administration;
- (c) a death certificate issued by the Director of Vital Statistics.

(2) For the purposes of this Part, “**Director of Vital Statistics**” includes an equivalent official in a jurisdiction outside of Saskatchewan.

20 Feb 2009 SR 12/2009 s30.

Application by surviving joint tenant

70(1) On the death of an owner of a title that is held jointly, a surviving joint tenant must apply to the Registrar, in the form provided, to be registered as owner of that title.

(2) On the death of a holder of an interest that is held jointly, a surviving joint tenant must apply to the Registrar, in the form provided, to assign the interest to the surviving joint tenant.

(3) An application made pursuant to subsection (1) must be accompanied by:

(a) an affidavit sworn the surviving joint tenant making the application indicating that:

- (i) the joint tenant has died; and
- (ii) the applicant is a surviving joint tenant; and

(b) either:

(i) evidence acceptable to the Registrar that the joint tenant has died, as set out in subsection 69.3(1); or

(ii) if the evidence mentioned in subclause (i) is not available, any other evidence acceptable to the Registrar that the joint tenant has died.

(4) If all joint tenants are deceased and did not die at the same time as described in *The Survivorship Act, 1993*, the personal representative of the surviving joint tenant who died last can swear an affidavit pursuant to subsection (3), but only if the application mentioned in that subsection includes letters probate or letters of administration appointing the personal representative.

(5) Subsections 31(4) to (6) apply, with any necessary modification, to an application pursuant to subsection (1).

20 Feb 2009 SR 12/2009 s31.

DIVISION 2
Personal Representatives and Trustees in Bankruptcy

Personal representative re titles

71(1) Pursuant to subsection 35(3) of the Act, a personal representative of the estate of a deceased person shall apply to the Registrar, in the form provided, to be registered as the owner of a title in his or her capacity as personal representative.

(2) Subject to subsection (4), an application pursuant to subsection (1) must be accompanied by evidence acceptable to the Registrar that:

- (a) the registered owner has died;
- (b) the applicant is the personal representative of the estate of the registered owner; and
- (c) either:
 - (i) the personal representative has obtained a certificate of the local registrar pursuant to *The Administration of Estates Act* stating that no infants are interested in the estate of the deceased, if any; or
 - (ii) the personal representative has obtained a certificate of the Public Guardian and Trustee pursuant to *The Administration of Estates Act* stating that no infants are interested in the estate of the deceased, if any.

(3) A title held by a deceased person must be transmitted into the name of the personal representative before it may be transferred.

(4) Unless an application pursuant to subsection (1) is accompanied by the evidence mentioned in subsection (2), any application for registration of a transfer of a title that has been transmitted to the personal representative pursuant to this section must be accompanied by:

- (a) a certificate of the Public Guardian and Trustee pursuant to *The Administration of Estates Act* stating that no infants are interested in the estate of the deceased;
- (b) the consent of the Public Guardian and Trustee pursuant to section 153 of the Act, in a form satisfactory to the Registrar;
- (c) an affidavit by the personal representative stating the land was sold by the deceased prior to death; or
- (d) an affidavit from the personal representative stating that the transferee body corporate, municipal corporation or Crown is acquiring the land for the construction, maintenance or operation of a railway, gas, oil or water pipeline, or a public utility easement.

(5) For the purposes of section 153 of the Act, a certificate mentioned in subclause (2)(c)(ii) or clause (4)(a) is the consent of the Public Guardian and Trustee, and no other consent of the Public Guardian and Trustee is required to accompany an application for registration of a transfer of a title owned by the deceased.

(6) Subsections 31(4) to (6) apply, with any necessary modification, to an application pursuant to subsection (1).

Personal representative re interests

72(1) Pursuant to subsection 35(3) of the Act, the personal representative of the estate of a deceased person must submit the following applications to the Registrar to be registered as the holder of an interest in his or her capacity as personal representative:

- (a) an application to register an assignment of the interest to the personal representative;
 - (b) an application to register a notice that the interest is held by the personal representative.
- (2) Subject to subsection (3), an application pursuant to subsection (1) must be accompanied by evidence acceptable to the Registrar that:
- (a) the interest holder has died;
 - (b) the applicant is the personal representative of the estate of the interest holder; and
 - (c) either:
 - (i) the personal representative has obtained a certificate of the local registrar pursuant to *The Administration of Estates Act* stating that no infants are interested in the estate of the deceased, if any; or
 - (ii) the personal representative has obtained a certificate of the Public Guardian and Trustee pursuant to *The Administration of Estates Act* stating that no infants are interested in the estate of the deceased, if any.
- (3) Unless an application pursuant to subsection (1) is accompanied by the evidence mentioned in subsection (2), any application for amendment, assignment or discharge of an interest that has been transmitted to the personal representative pursuant to this section must be accompanied by:
- (a) a certificate of the Public Guardian and Trustee pursuant to *The Administration of Estates Act* stating that no infants are interested in the estate of the deceased;
 - (b) the consent of the Public Guardian and Trustee pursuant to section 153 of the Act, in a form satisfactory to the Registrar;
 - (c) an affidavit by the personal representative stating the interest was assigned by the deceased prior to death; or
 - (d) an affidavit from the personal representative stating that the transferee body corporate, municipal corporation or Crown is acquiring the land for the construction, maintenance or operation of a railway, gas, oil or water pipeline, or a public utility easement.
- (4) For the purposes of section 153 of the Act, a certificate mentioned in subclause (2)(c)(ii) or clause (3)(a) or (b) is the consent of the Public Guardian and Trustee, and no other consent of the Public Guardian and Trustee is required to accompany an application for amendment, assignment or discharge of an interest held by the deceased.

Trustee in bankruptcy re titles

73(1) Pursuant to subsection 35(4) of the Act, a trustee in bankruptcy shall apply to the Registrar, in the form provided, to be registered as owner in his or her capacity as trustee in bankruptcy.

(2) Subject to subsection (6), an application pursuant to subsection (1) must be accompanied by evidence acceptable to the Registrar that the administration of the estate of the bankrupt is by way of:

- (a) summary administration that does not require inspectors;
- (b) summary administration that requires inspectors; or
- (c) ordinary administration.

(3) Where, prior to the receiving order or the assignment in bankruptcy, the bankrupt person holds title jointly with another registered owner, the trustee in bankruptcy may apply to the Registrar for transmission into the name of the trustee of an undivided share equal to the share of the bankrupt.

(4) A title held by a bankrupt person must be transmitted to the name of the trustee in bankruptcy before it may be transferred.

(5) Subsections 31(4) to (6) apply, with any necessary modification, to an application pursuant to subsection (1).

(6) Unless an application pursuant to subsection (1) is accompanied by the evidence mentioned in subsection (2), any application for registration of a transfer of a title that has been transmitted to the trustee in bankruptcy pursuant to this section must be accompanied by evidence acceptable to the Registrar that:

- (a) the administration of the estate of the bankrupt is by way of:
 - (i) summary administration that does not require inspectors;
 - (ii) summary administration that requires inspectors; or
 - (iii) ordinary administration; and
- (b) if the administration of the estate of the bankrupt is by way of ordinary administration or summary administration that requires inspectors, the inspectors have consented.

(7) For the purposes of clause (2)(a) and subclause (6)(a)(i), the Registrar may accept as evidence an affidavit sworn by the trustee in bankruptcy stating that the administration of the estate is by way of summary administration and that inspectors have not been appointed.

(8) For the purposes of clause (2)(b) and subclause (6)(a)(ii), the Registrar may accept as evidence the document appointing the inspectors.

Trustee in bankruptcy re interests

74(1) Pursuant to subsection 35(4) of the Act, a trustee in bankruptcy must submit the following applications to the Registrar to be registered as the holder of an interest in his or her capacity as trustee in bankruptcy:

- (a) an application to register an assignment of an interest to a trustee in bankruptcy;
 - (b) an application to register a notice that an interest is held by a trustee in bankruptcy.
- (2) Subject to subsection (4), an application pursuant to subsection (1) must be accompanied by evidence acceptable to the Registrar that the administration of the estate of the bankrupt is by way of:
- (a) summary administration that does not require inspectors;
 - (b) summary administration that requires inspectors; or
 - (c) ordinary administration.

(3) Where, prior to the receiving order or the assignment in bankruptcy, the bankrupt person is the holder of an interest jointly with another title owner or interest holder, the trustee in bankruptcy may apply to the Registrar for transmission to the trustee in bankruptcy of an undivided share in the interest equal to the share of the bankrupt.

(4) Unless an application pursuant to subsection (1) is accompanied by the evidence mentioned in subsection (2), any application for an assignment, amendment, or discharge of an interest that has been assigned to the trustee in bankruptcy pursuant to this section must be accompanied by evidence acceptable to the Registrar that:

- (a) the administration of the estate of the bankrupt is by way of:
 - (i) summary administration that does not require inspectors;
 - (ii) summary administration that requires inspectors; or
 - (iii) ordinary administration; and
 - (b) if the administration of the estate of the bankrupt is by way of ordinary administration or summary administration that requires inspectors, the inspectors have consented.
- (5) For the purposes of clause (2)(a) and subclause (4)(a)(i), the Registrar may accept as evidence an affidavit sworn by the trustee in bankruptcy stating that the administration of the estate is by way of summary administration and that inspectors have not been appointed.
- (6) For the purposes of clause (2)(b) and subclause (4)(a)(ii), the Registrar may accept as evidence the document appointing the inspectors.

DIVISION 3
Alternate Authorities

Interpretation of Division

74.1 In this Division:

- (a) **“administrator”** means an administrator appointed pursuant to section 101 of *The Condominium Property Act, 1993*;
- (a.1) **“adult”** means an adult as defined in *The Adult Guardianship and Co-decision-making Act*;
- (b) **“child”** means an individual under the age of 18 years;
- (c) **“property co-decision-maker”** means a property co-decision-maker as defined in *The Adult Guardianship and Co-decision-making Act*;
- (d) **“property guardian”** means a property guardian as defined in *The Adult Guardianship and Co-decision-making Act*.

22 Mar 2002 SR 21/2002 s12; 16 Apr 2010 SR
36/2010 s4.

Application by administrator

74.2 An application by an administrator to be registered as an alternate authority on a title or interest must be:

- (a) made in the form provided; and
- (b) accompanied by evidence acceptable to the Registrar of the administrator’s authority.

16 Apr 2010 SR 36/2010 s5.

Application by liquidator

75 An application by a liquidator to be registered as an alternate authority on a title or interest must be:

- (a) made in the form provided; and
- (b) accompanied by evidence acceptable to the Registrar of the liquidator’s authority.

20 Jly 2001 cL-5.1 Reg 1 s75.

Application on behalf of a child or adult

76 An application by a person to be registered as the person authorized to sign on behalf of a child or adult must be:

- (a) made in the form provided; and
- (b) accompanied by evidence acceptable to the Registrar of the applicant’s authority.

22 Mar 2002 SR 21/2002 s13.

Transfer by guardian or trustee acting for child

77 Pursuant to subsection 39(3) of the Act, an application by a guardian or trustee of the property of a child who applies to transfer a title or to amend, assign or discharge an interest of the child must be:

- (a) made in the form provided; and
- (b) accompanied by:
 - (i) evidence acceptable to the Registrar of the consent of the Public Guardian and Trustee to the transfer or to the amendment, assignment or discharge; or
 - (ii) a court order authorizing the transfer or the amendment, assignment or discharge.

20 Jly 2001 cL-5.1 Reg 1 s77; 4 Apr 2003 SR 23/2003 s11.

Transfer by property guardian acting for adult

78 Pursuant to section 76, if a property guardian who is registered as the person authorized to sign on behalf of an adult applies to transfer a title or to amend, assign or discharge an interest on behalf of the adult, the property guardian's consent for the purposes of clause 40(3)(a) of the Act is the application by the property guardian to transfer the title or to amend, assign or discharge the interest.

22 Mar 2002 SR 21/2002 s14.

Transfer by property co-decision-maker acting with adult

78.1 Pursuant to section 76, if a property co-decision-maker is registered as the person authorized to sign together with an adult, and if the property co-decision-maker and the adult apply to transfer a title or to amend, assign or discharge an interest, the application by the property co-decision-maker and the adult must be:

- (a) made in the form provided; and
- (b) accompanied by evidence acceptable to the Registrar of the consent of the property co-decision-maker and the adult to the transfer, amendment, assignment or discharge.

22 Mar 2002 SR 21/2002 s14.

Application for removal of alternate authority or co-decision-maker

79(1) Any person may apply to discharge the registration of any of the following persons who is registered as an authority to deal with a title or interest:

- (a) an administrator;
 - (a.1) a liquidator;
- (b) a guardian or trustee of the property of a child;
- (c) a property guardian;
- (d) a property co-decision-maker;
- (e) the Public Guardian and Trustee;
- (f) an official appointed as property guardian pursuant to section 37 of *The Public Guardian and Trustee Act*.

- (2) An application pursuant to subsection (1) must be:
- (a) made in the form provided; and
 - (b) accompanied by evidence acceptable to the Registrar of the termination of the person's authority.

22 Mar 2002 SR 21/2002 s14; 4 Apr 2003 SR 23/2003 s8; 16 Apr 2010 SR 36/2010 s6.

DIVISION 4 Changes of Name and Address

Change of individual's name

80(1) An individual who has effected a legal name change may apply to the Registrar to change his or her name in the land titles registry or the abstract directory.

- (2) An application mentioned in subsection (1) must include:
- (a) an affidavit in accordance with subsection (3); and
 - (b) one of the following as proof of the legal name change:
 - (i) a certificate of change of name issued by the Director of Vital Statistics;
 - (ii) evidence of an acceptable method of changing of name pursuant to *The Change of Name Act, 1995*;
 - (iii) any other evidence of the legal name change acceptable to the Registrar.
- (3) The affidavit mentioned in clause (2)(a) must specify:
- (a) the former name of the deponent;
 - (b) the new name of the deponent;
 - (c) that the deponent is the same individual whose name is to be changed in the land titles registry or the abstract directory; and
 - (d) that the deponent has legally changed the deponent's former name to the new legal name specified in the affidavit.
- (4) Notwithstanding subsections (2) and (3), the Registrar may change the name of an individual in the land titles registry or the abstract directory on receipt of:
- (a) a name change application submitted by the individual whose name is to be changed; and
 - (b) any other document the Registrar considers necessary or appropriate.

20 Jly 2001 cL-5.1 Reg 1 s80.

Correction of individual's name due to individual's error

81(1) The Registrar may correct the name of an individual where the individual's name has been incorrectly submitted in an application to the land registry.

(2) An application to correct an individual's name in the land registry pursuant to subsection (1) must include:

(a) evidence acceptable to the Registrar that the correction is required to make the name in the land registry conform to the applicant's legal name; and

(b) an affidavit in accordance with subsection (3).

(3) The affidavit mentioned in clause (2)(b) must specify:

(a) that the deponent is the same individual, or the deponent submitted the application to the land registry on behalf of the same individual, whose name is to be corrected in the land registry; and

(b) that the deponent is applying to change the name to the corrected name shown on the affidavit.

(4) Notwithstanding subsections (2) and (3), the Registrar may correct the name of an individual in the land registry on receipt of:

(a) a name correction application submitted by the individual whose name is to be corrected; and

(b) any other document the Registrar considers necessary or appropriate.

20 Jly 2001 cL-5.1 Reg 1 s81; 20 Feb 2009 SR
12/2009 s35.

Change of individual's address

82(1) An application by an individual to change his or her address in the land titles registry or the abstract directory must:

(a) specify:

(i) the applicant's name and client number; and

(ii) the applicant's new address; and

(b) include an affidavit in accordance with subsection (2).

(2) The affidavit mentioned in clause (1)(b) must specify the deponent's address in the land titles registry or the abstract directory that is to be changed.

(3) Notwithstanding subsections (1) and (2), the Registrar may change the address of an individual in the land titles registry or the abstract directory on receipt of:

(a) an address change application submitted by and containing the signature of the individual whose address is to be changed; and

(b) any other document that the Registrar considers necessary or appropriate.

20 Jly 2001 cL-5.1 Reg 1 s82; 20 Feb 2009 SR
12/2009 s36.

Correction of individual's address

83(1) The Registrar may correct the address of an individual where the individual's address has been incorrectly recorded in the land registry.

(2) An application by an individual to correct his or her address in the land registry must include:

- (a) the applicant's correct address; and
- (b) an affidavit in accordance with subsection (3) in a form acceptable to the Registrar.

(3) The affidavit mentioned in clause (2)(b) must specify the deponent's address in the land registry that is to be corrected.

(4) Notwithstanding subsections (2) and (3), the Registrar may correct the address of an individual in the land registry on receipt of:

- (a) an address correction application submitted by the individual whose address is to be corrected; and
- (b) any other document that the Registrar considers necessary or appropriate.

20 Jly 2001 cL-5.1 Reg 1 s83.

Change of entity's name

84(1) Any entity mentioned in clause 33(b), (b.1) or (c) of the Act or in section 7 of these regulations that is registered with the Director appointed pursuant to *The Business Corporations Act* may effect a legal name change with the Director appointed pursuant to *The Business Corporations Act* for the purposes of the land titles registry or the abstract directory.

(2) An application to change a legal name by any entity mentioned in subsection (1) that is not registered with the Director appointed pursuant to *The Business Corporations Act* must include:

- (a) an affidavit in accordance with subsection (3); and
- (b) one of the following as proof of the legal name change:
 - (i) a certificate issued by an authority in another jurisdiction that is equivalent to the Director appointed pursuant to *The Business Corporations Act*;
 - (ii) any other evidence of the legal name change acceptable to the Registrar.

(3) The affidavit mentioned in clause (2)(a) must specify:

- (a) the name of the entity to be changed;
- (b) that the entity is the same entity whose name is to be changed in the land titles registry or the abstract directory;

- (c) that the entity has legally changed its former name to the new legal name shown on the affidavit;
 - (d) the capacity of the deponent; and
 - (e) that the deponent is authorized to swear or affirm the affidavit on behalf of the entity.
- (4) Notwithstanding subsections (2) and (3), the Registrar may change the name of an entity in the land titles registry or the abstract directory on receipt of:
- (a) a name change application submitted by the entity whose name is to be changed;
 - (b) any other document the Registrar considers necessary or appropriate.

20 Jly 2001 cL-5.1 Reg 1 s84; 20 Feb 2009 SR
12/2009 s37.

Correction of entity's name

- 85(1)** The Registrar may correct the name of any entity mentioned in clause 33(b), (b.1) or (c) of the Act or in section 7 of these regulations where the entity's name has been incorrectly recorded in the land registry.
- (2) An application to correct an entity's name must include:
- (a) evidence that the application is required to make the name in the land registry conform to the applicant's legal name; and
 - (b) an affidavit in accordance with subsection (3).
- (3) The affidavit mentioned in clause (2)(b) must specify:
- (a) the name of the entity to be corrected;
 - (b) that the entity is the same entity whose name is to be corrected in the land registry;
 - (c) that the entity is applying to change the name to the corrected name shown on the affidavit;
 - (d) the capacity of the deponent; and
 - (e) that the deponent is authorized to swear or affirm the affidavit on behalf of the entity.
- (4) Notwithstanding subsections (2) and (3), the Registrar may correct the name in the land registry on receipt of:
- (a) a name correction application submitted by the entity whose name is to be corrected; and
 - (b) any other document the Registrar considers necessary or appropriate.

20 Jly 2001 cL-5.1 Reg 1 s85; 20 Feb 2009 SR
12/2009 s38.

Change of entity's address

86(1) Any entity mentioned in clause 33(b), (b.1) or (c) of the Act or in section 7 of these regulations that is registered with the Director appointed pursuant to *The Business Corporations Act* may change its address with the Director appointed pursuant to *The Business Corporations Act* for the purposes of the land titles registry or the abstract directory.

(2) An application to change an address by any entity mentioned in subsection (1) that is not registered with the Director appointed pursuant to *The Business Corporations Act* must:

- (a) specify the applicant's new address; and
- (b) include an affidavit in accordance with subsection (3).

(3) The affidavit mentioned in clause (2)(b) must specify:

- (a) the name of the entity whose address is to be changed in the land titles registry or the abstract directory;
- (b) the entity's address in the land titles registry or the abstract directory that is to be changed;
- (c) that the entity is applying to change the address to the address shown on the affidavit;
- (d) the capacity of the deponent; and
- (e) that the deponent is authorized to swear or affirm the affidavit on behalf of the entity.

(4) Notwithstanding subsections (2) and (3), the Registrar may change the address of the entity in the land titles registry or the abstract directory on receipt of:

- (a) a change of address application submitted by the entity whose address is to be changed; and
- (b) any other document the Registrar considers necessary or appropriate.

20 Jly 2001 cL-5.1 Reg 1 s86; 20 Feb 2009 SR
12/2009 s39.

Correction of entity's address

87(1) The Registrar may correct the address of any entity mentioned in clause 33(b), (b.1) or (c) of the Act or in section 7 of these regulations where the entity's address has been incorrectly recorded in the land registry.

(2) An application to correct an entity's address must:

- (a) specify the applicant's correct address; and
- (b) include an affidavit in accordance with subsection (3) in a form acceptable to the Registrar.

- (3) The affidavit mentioned in clause (2)(b) must specify:
- (a) the name of the entity whose address is to be corrected in the land registry;
 - (b) the entity's address in the land registry that is to be corrected;
 - (c) that the entity is applying to correct the address to the address specified in the affidavit;
 - (d) the capacity of the deponent; and
 - (e) that the deponent is authorized to swear or affirm the affidavit on behalf of the entity.
- (4) Notwithstanding subsections (2) and (3), the Registrar may correct the address of the entity in the land registry on receipt of:
- (a) an address correction application submitted by the entity whose address is to be corrected; and
 - (b) any other document the Registrar considers necessary or appropriate.

20 Jly 2001 cL-5.1 Reg 1 s87; 20 Feb 2009 SR
12/2009 s40.

PART IX Abstract Directory

Abstract records

88 The Registrar may establish and maintain an abstract record with respect to unpatented land for each surface parcel and mineral commodity within a mineral parcel.

20 Jly 2001 cL-5.1 Reg 1 s88.

Certain rules of the land titles registry apply

89 For the purposes of subsections 70(3) and 71(1) of the Act and subject to this Part, the Parts of these regulations governing the land titles registry constitute the rules of the abstract directory, and those Parts apply, with any necessary modification:

- (a) to the abstract directory;
- (b) to applications to the abstract directory; and
- (c) to filing, amending, assigning, discharging or postponing an interest in the abstract directory.

20 Jly 2001 cL-5.1 Reg 1 s89.

Other rules

90(1) No interest based on a mortgage or judgment may be filed in the abstract directory against:

- (a) an abstract record; or
- (b) an interest in which the Crown in right of Saskatchewan is the interest holder.

(2) Where the Crown wishes to remove any interest filed in the abstract directory against an abstract record or an interest held by the Crown, the Crown shall apply to the Registrar to remove the interest, in the form provided.

(3) An application pursuant to subsection (2) must include:

- (a) the number assigned to the filed interest to be removed; and
- (b) a direction to the Registrar to remove the interest.

20 Jly 2001 cL-5.1 Reg 1 s90; 28 May 2012 SR 35/2012 s18.

Registration of filed interest in land titles registry

91 For the purposes of clause 74(2)(a) of the Act, where a first title is issued pursuant to Part X of the Act, the Registrar shall immediately register, in the order set out in clause 74(2)(b) of the Act:

- (a) any interest filed against an abstract record as an interest against the title; and
- (b) any interest filed against another interest, where that interest is filed against an abstract record, as an interest against that other interest.

20 Jly 2001 cL-5.1 Reg 1 s91.

**PART X
Crown Grants**

Application for issuance of first title - land granted by the Crown

92 An application for issuance of first title made pursuant to clause 75(1)(a) of the Act must:

- (a) be made in the form provided; and
- (b) include:
 - (i) the instrument of grant that must:
 - (A) contain the name of the grantee;
 - (B) contain a description of the land that corresponds to the parcel number assigned by the Controller of Surveys; and
 - (C) have been executed by a person who appears, in the opinion of the Registrar, to be an appropriate official of the Crown; and
 - (ii) the value of the title; and
- (c) where the grant occurs by operation of law, include a citation of the authority for the Crown grant to the satisfaction of the Registrar.

20 Jly 2001 cL-5.1 Reg 1 s92.

Application for issuance of first title - notification to the Hudson's Bay Company

93(1) An application for issuance of first title made pursuant to clause 75(1)(b) of the Act must:

- (a) be made in the form provided; and
 - (b) include notification to the Hudson's Bay Company by the minister responsible for the administration of *The Provincial Lands Act*.
- (2) The notification mentioned in clause (1)(b) must:
- (a) contain a description of the land that corresponds to the parcel number assigned by the land titles registry; and
 - (b) include a statement that the land has been surveyed and that the survey of any township, or any part of a township has been confirmed.
- (3) The Registrar shall accept the notification mentioned in clause (1)(b) as equivalent to, and deal with the notification in all respects in the same manner as if the notification were, a transfer to and in favour of the Hudson's Bay Company, granting to it the parcels to which it is entitled under an agreement between the Government of the Dominion of Canada and the Government of the Province of Saskatchewan, dated March 12, 1930 and ratified by chapter 87 of the *Statutes of Saskatchewan, 1930*.

20 Jly 2001 cL-5.1 Reg 1 s93.

Application for issuance of first title - notification from the Minister responsible for the administration of *The Provincial Lands Act*

94(1) An application for issuance of first title made pursuant to clause 75(1)(c) of the Act must:

- (a) be made in the form provided; and
 - (b) include notification to the Registrar by the minister responsible for the administration of *The Provincial Lands Act*.
- (2) The notification mentioned in clause (1)(b) must:
- (a) contain a description of the land that corresponds to the parcel number assigned by the land titles registry; and
 - (b) include a statement that the land described in the notification has been granted:
 - (i) to the Canadian Pacific Railway Company; or
 - (ii) to any railway company entitled to provincial lands under the authority of an Act or an Act of the Parliament of Canada.
- (3) The Registrar shall accept the notification mentioned in clause (1)(b) and deal with the notification in all respects as if the notification were a transfer:
- (a) in favour of the Canadian Pacific Railway Company; or
 - (b) to any railway company entitled to provincial lands under the authority of an Act or an Act of the Parliament of Canada.

20 Jly 2001 cL-5.1 Reg 1 s94.

Application for issuance of first title - passed from the Crown before January 1, 1887

95(1) An application for issuance of first title made pursuant to clause 75(1)(d) of the Act must:

- (a) be made in the form provided; and
- (b) include:
 - (i) all deeds, if any, in possession of the applicant;
 - (ii) a certificate showing all interests affecting the abstract record in the abstract directory up to and including the time when the application is filed; and
 - (iii) the documents for the interests mentioned in subclause (ii).

(2) Notwithstanding subsection (1), where the title to the land mentioned in the application passed to the Hudson's Bay Company before January 1, 1887, either by notification pursuant to the *Dominion Lands Act* (Canada) or by letters patent, an application pursuant to this section must include:

- (a) the notification or letters patent; or
- (b) an affidavit of an officer of the company in the form provided.

20 Jly 2001 cL-5.1 Reg 1 s95.

Crown application for first title

96 An application to have first title issued made pursuant to subsection 76(1) of the Act must:

- (a) be in a form acceptable to the Registrar;
- (b) contain a description of the land that corresponds to the parcel number assigned by the Controller of Surveys; and
- (c) have been executed by a person who appears, in the opinion of the Registrar, to be an appropriate official of the Crown.

20 Jly 2001 cL-5.1 Reg 1 s96.

96.1 Repealed. 6 Sep 2013 SR 70/2013 s21.

PART XI
Judgments

97 Repealed. 28 May 2012 SR 35/2012 s20.

98 Repealed. 28 May 2012 SR 35/2012 s20.

99 Repealed. 28 May 2012 SR 35/2012 s20.

Interpretation re section 168 of the Act

99.1 For the purposes of section 168 of the Act:

- (a) **“an exact match”**, in the case of the names of individuals, means a character for character match between:
- (i) the first two given names and the surname of the person whose name is registered in the writ registry or provided on an application as mentioned in clause (b); and
 - (ii) the first two given names and the surname of the registered owner of the converted title;
- (b) **“the name on the writ or maintenance order”** means the name on the writ or maintenance order as that name is:
- (i) registered in the writ registry pursuant to clause 167(1)(a) of the Act;
 - (ii) provided on the application to register the writ or maintenance order in the writ registry; or
 - (iii) provided on the application to register a judgment in the judgment registry pursuant to *The Enforcement of Money Judgments Act*.

22 Mar 2002 SR 21/2002 s15; 28 May 2012 SR 35/2012 s21.

Interpretation re section 172 of the Act

99.2 For the purposes of subsection 172(1) of the Act:

- (a) **“the name of a debtor”** means the name of a debtor as his or her name is:
- (i) registered in the writ registry pursuant to clause 167(1)(a) of the Act; or
 - (ii) provided on the application to register the judgment in the judgment registry pursuant to *The Enforcement of Money Judgments Act*;
- (b) **“the exact name of the debtor”**, in the case of an individual, means a character for character match between:
- (i) the first two given names and the surname of the debtor, as his or her name is registered in the judgment registry or provided on an application as mentioned in clause (a); and
 - (ii) the first two given names and the surname of the registered owner or interest holder in the land titles registry.

22 Mar 2002 SR 21/2002 s15; 28 May 2012 SR 35/2012 s22.

99.3 Repealed. 28 May 2012 SR 35/2012 s23.

Interpretation re section 4 of the Act

99.4(1) For the purposes of subsection 4(4) of the Act, the land titles registry does not include documents in draft form.

(2) A document in draft form, as mentioned in subsection (1), includes a document saved through the web enabled submission method before its submission to the Registrar for registration.

26 Nov 2004 SR 113/2004 s18.

100 Repealed. 28 May 2012 SR 35/2012 s24.

101 Repealed. 28 May 2012 SR 35/2012 s24.

102 Repealed. 28 May 2012 SR 35/2012 s24.

PART XII Assurance and Compensation

Prescribed amount

103 The amount prescribed for the purposes of subsection 90(3) of the Act is \$100,000.

20 Jly 2001 cL-5.1 Reg 1 s103.

Due diligence

103.1(1) In this section, “**property**” means land or an interest in land that is the subject of a claim for compensation pursuant to Part XII of the Act.

(2) For the purposes of clause 84(2)(g) of the Act, in order for a mortgagee to demonstrate due diligence, the mortgagee must demonstrate to the satisfaction of the Registrar that the mortgagee has taken reasonable steps to verify that the registered owner is transferring or mortgaging the property.

(3) For the purposes of subsection (2), reasonable steps include any of the following:

- (a) conducting or having an agent conduct an in-person meeting with the registered owner or the mortgagor within a reasonable time before the date of the transfer or mortgage of the property;
- (b) obtaining from the registered owner or the mortgagor:
 - (i) one piece of original government-issued photo identification containing the name, date of birth and address of the registered owner or the mortgagor; and
 - (ii) one additional piece of original government-issued identification that provides the name of the registered owner or the mortgagor;

- (c) verifying the information supplied by the registered owner or the mortgagor in the mortgage loan application by checking the employment references and by ensuring that the information contained in a consumer report relating to the credit information of the registered owner or the mortgagor corresponds to the information in the mortgage loan application;
- (d) obtaining a copy of the agreement of purchase and sale;
- (e) conducting or causing an agent to conduct an on-site appraisal of the property within a reasonable time before the date of the transfer or mortgage of the property;
- (f) visiting or causing an agent to visit the property within a reasonable time before the date of transfer or mortgage of the property;
- (g) instructing an agent to complete searches of title affecting the person's interest in the property;
- (h) reviewing or causing an agent to review the Canadian Real Estate Association's Multiple Listing Service history or other sale listing, if any is available, and making reasonable inquiries into the sale listing;
- (i) taking any other steps that, in the opinion of the Registrar, are appropriate in the circumstances of the case.

9 Mar 2012 SR 10/2012 s6.

Amount of compensation

103.2 For the purposes of clause 87(8)(b) of the Act, the amount of compensation includes the following reasonable expenses:

- (a) legal fees for the purchase of an equivalent principal residence;
- (b) real estate agent fees for the purchase of an equivalent principal residence;
- (c) any other reasonable expense the Registrar considers appropriate.

9 Mar 2012 SR 10/2012 s6.

Interpretation re section 85 of the Act

104(1) For the purposes of clause 85(f) of the Act:

- (a) **“a name that is different in any way”** includes a name that exceeds the maximum character capacity of the judgment registry;
- (b) **“the name by which he or she is described in the judgment”** means the name by which he or she is described in the judgment as that name is:
 - (i) registered in the judgment registry pursuant to clause 167(1)(a) of the Act; or
 - (ii) provided on the application to register the judgment in the judgment registry pursuant to *The Enforcement of Money Judgments Act*.

(2) For the purposes of clause 85(g) of the Act, “**the person named in the judgment**” means the person named in the judgment as that name is:

- (a) registered in the judgment registry pursuant to clause 167(1)(a) of the Act; or
- (b) provided on the application to register the judgment in the judgment registry pursuant to *The Enforcement of Money Judgments Act*.

28 May 2012 SR 35/2012 s25.

No liability if mortgage intentionally registered as a miscellaneous interest

104.01 No compensation is payable pursuant to subsection 84(2) of the Act for any loss, damage or deprivation suffered by any party as a result of an applicant intentionally registering an interest based on a mortgage as another interest type.

4 Apr 2003 SR 24/2003 s9.

104.02 Repealed. 6 Sep 2013 SR 70/2013 s22.

104.03 Repealed. 6 Sep 2013 SR 70/2013 s22.

No liability for loss if Registrar not required to send verification or notification statements

104.04 No compensation is payable pursuant to subsection 84(2) of the Act for any loss, damage or deprivation suffered by any party as a result of the Registrar not being required to send a verification statement or notification statement pursuant to subsection 22(8).

26 Nov 2004 SR 113/2004 s19.

No compensation payable for loss from submission or selection of shortform covenants

104.05(1) In this section and sections 110.1 and 111.1, “**set of shortform lease covenants**” or “**set of shortform mortgage covenants**” means shortform lease covenants or shortform mortgage covenants, as the case may be, that have been given one document number.

(2) No compensation is payable pursuant to subsection 84(2) of the Act for any loss, damage or deprivation suffered by any person as a result of the submission of a set of shortform lease covenants or a set of shortform mortgage covenants or the selection of the document number assigned by the Registrar for use in an application to register an interest.

9 Mar 2012 SR 10/2012 s7.

PART XIII
Powers of the Registrar

104.1 Repealed. 4 Apr 2003 SR 23/2003 s9.

Registrar's prohibition

105(1) Where the Registrar imposes a prohibition against a title or interest pursuant to section 99 of the Act, the Registrar shall record the prohibition in the land titles registry or the abstract directory, as the case requires, against the title or interest in accordance with this section.

(2) The record of a Registrar's prohibition must:

(a) specify:

(i) the date the Registrar imposed the prohibition;

(ii) the title number, interest register number or interest number to which the prohibition applies; and

(iii) whether any subsequent registrations or dealings will be permitted against the title, interest register or interest that is the subject of the prohibition; and

(b) include a summary of the relevant circumstances giving rise to the prohibition or, where the prohibition is created pursuant to an Act or an Act of the Parliament of Canada, specify the applicable section of the Act or of the Act of the Parliament of Canada.

(3) On the withdrawal of a prohibition recorded pursuant to this section, the Registrar shall maintain a record of the prohibition in the land titles registry or the abstract directory, as the case requires, specifying:

(a) that the prohibition has been withdrawn;

(b) the date the prohibition was withdrawn; and

(c) any other information that the Registrar considers appropriate.

(4) Notwithstanding subsection (3), the Registrar may withdraw a prohibition, without maintaining the record mentioned in subsection (3), if it is necessary to permit dealing with a title or interest and then reapply the prohibition to the title or interest.

(5) The Registrar is not required to maintain a prohibition recorded pursuant to this section if:

(a) the prohibition was placed in error;

(b) after a review of the title, interest register or interest, the Registrar is satisfied that no correction or modification of the title, interest register or interest is required; or

(c) the prohibition imposed is no longer required pursuant to section 99 of the Act.

20 Jly 2001 cL-5.1 Reg 1 s105; 22 Mar 2002 SR 21/2002 s19; 20 Feb 2009 SR 12/2009 s42.

Correction of registrations

106(1) For the purposes of clause 97(1)(c) of the Act, if it appears to the Registrar that an entry has been made in error in the land titles registry, the Registrar may correct the error.

(2) When a correction is made by the Registrar in the land titles registry, the Registrar shall record notice of the correction in the land titles registry by way of an interest based on a Registrar's notice if no other permanent record of the correction will otherwise appear in the land titles registry.

22 Mar 2002 SR 21/2002 s20.

Reference to Registrar

107 Submissions to the Registrar pursuant to section 101 of the Act must:

- (a) be in writing; and
- (b) specify:
 - (i) the name of the applicant;
 - (ii) the client number of the applicant, if any;
 - (iii) the address of the applicant;
 - (iv) the title number, abstract number or interest number, where applicable; and
 - (v) the nature of the question.

20 Jly 2001 cL-5.1 Reg 1 s107.

Statutory vesting

107.1(1) Where a person becomes vested with a title in the manner mentioned in section 100 of the Act, the person must apply to the Registrar for a transfer of title in accordance with section 31 of these regulations.

(2) Where a person becomes vested with an interest in the manner mentioned in section 100 of the Act, the person must apply to the Registrar for an assignment of the interest in accordance with section 42 of these regulations.

(3) An application mentioned in subsection (1) or (2) must include evidence satisfactory to the Registrar that the title or interest, as the case may be, is vested in the applicant.

6 Jly 2001 SR 44/2001 s5.

108 Repealed. 4 Apr 2003 SR 23/2003 s10.

Interpretation re section 97 of the Act

108.1 The following acts by the Registrar are not considered to be Registrar's corrections pursuant to section 97 of the Act:

- (a) the addition, removal or alteration of an electronic code;
- (b) the addition or alteration of the name of a municipality on:
 - (i) a title in the land titles registry; or
 - (ii) a record in the abstract directory.

20 Feb 2009 SR 12/2009 s43.

Interpretation re section 99 of the Act

108.2 The imposition of an electronic code by the Registrar is not considered to be a Registrar's prohibition pursuant to section 99 of the Act.

20 Feb 2009 SR 12/2009 s43.

PART XIV Service of Documents

Service effected using address for service

109(1) For the purposes of clause 113(1)(b) of the Act, any document required to be served pursuant to the Act or these regulations, or in any proceeding or matter under the jurisdiction of the Registrar, may be served by registered mail delivered to the person's or entity's address for service.

(2) For the purposes of clause 113(2)(b) of the Act, any document required to be served on the Registrar may be served by registered mail delivered to the Registrar's office.

(3) For the purposes of subsection 113(3) of the Act, service of a document is to be proved by an affidavit of service specifying when, where, how and by whom service was effected.

(4) An original or true copy of each document served must be attached to the affidavit of service as an exhibit to the affidavit.

20 Jly 2001 cL-5.1 Reg 1 s109.

PART XV
Statements of Law

Shortform lease

110(1) Subject to subsection (3), for the purposes of section 142 of the Act, to use the shortform of any covenant listed in Column 2 of Appendix 1 in a lease, the lessee or the lessor must identify the shortform in a lease instrument using the words that:

- (a) appear in Column 1 of Appendix 1 opposite the covenant; and
- (b) bear the same number as the covenant.

(2) For the purposes of subsection (1), it is not necessary in any lease instrument to insert the number mentioned in clause (1)(b).

(3) If a covenant in a lease is acceptable to the Registrar and is assigned a document number, the lessor or the lessee may use the shortform of the covenant in a lease, notwithstanding that the covenant is not listed in Column 2 of Appendix 1.

20 Jly 2001 cL-5.1 Reg 1 s110; 9 Mar 2012 SR
10/2012 s8.

Application to file shortform lease

110.1(1) A person seeking to file a set of shortform lease covenants for the purposes of subsection 110(3) shall:

- (a) apply to the Registrar in the form provided by the Registrar; and
- (b) file with the application the set of shortform lease covenants.

(2) A set of shortform lease covenants filed pursuant to subsection (1) must not contain:

- (a) the name of the lessee;
- (b) the description of the leased land; or
- (c) the signatures of the lessee and witness.

(3) If the Registrar considers that the set of shortform lease covenants is acceptable for filing pursuant to this section, the Registrar shall:

- (a) assign a document number to it; and
- (b) advise the applicant of the date on which it was accepted and the document number assigned to it.

(4) The Registrar may require that a set of shortform lease covenants that is proposed for filing be delivered to the Registrar in an electronic format or any other format that will facilitate the electronic entry of the set in the records of the land titles registry.

- (5) A set of shortform lease covenants must not be amended or modified by the lessee or lessor except as permitted pursuant to subsection 142(3) of the Act.
- (6) Shortform lease covenants are public information and access to and disclosure of shortform lease covenants are to be provided in accordance with the Act and these regulations.
- (7) Inactive shortform lease covenants will be included in search results but must not be used in an application to register a lease except as permitted by the Registrar.

9 Mar 2012 SR 10/2012 s9.

Shortform mortgage

111(1) Subject to subsection (3), for the purposes of section 130 of the Act, to use the shortform of any covenant listed in Column 2 of Appendix 2 in a mortgage, the mortgagor or the mortgagee must identify the shortform in a mortgage instrument using the words that:

- (a) appear in Column 1 of Appendix 2 opposite the covenant; and
 - (b) bear the same number as the covenant.
- (2) For the purposes of subsection (1), it is not necessary in any mortgage instrument to insert the number mentioned in clause (1)(b).
- (3) If a covenant in a mortgage is acceptable to the Registrar and is assigned a document number, the mortgagor or the mortgagee may use the shortform of the covenant in a mortgage, notwithstanding that the covenant is not listed in Column 2 of Appendix 2.

20 Jly 2001 cL-5.1 Reg 1 s111; 9 Mar 2012 SR 10/2012 s10.

Application to file shortform mortgage

111.1(1) A person seeking to file a set of shortform mortgage covenants for the purposes of subsection 111(3) shall:

- (a) apply to the Registrar in the form provided by the Registrar; and
 - (b) file with the application the set of shortform mortgage covenants.
- (2) A set of shortform mortgage covenants filed pursuant to subsection (1) must not contain:
- (a) the name of the mortgagor;
 - (b) the description of the land for which title has issued and pursuant to which the estate or interest is held;
 - (c) the amount secured under the mortgage;

- (d) the amount of payments to be made under the mortgage;
 - (e) the rate of interest of the mortgage;
 - (f) the term of the mortgage;
 - (g) the signatures of the mortgagor and witness; or
 - (h) any other matter as determined by the Registrar.
- (3) If the Registrar considers that the set of shortform mortgage covenants is acceptable for filing pursuant to this section, the Registrar shall:
- (a) assign a document number to it; and
 - (b) advise the applicant of the date on which the set was accepted and the document number assigned to it.
- (4) The Registrar may require that a set of shortform mortgage covenants that is proposed for filing be delivered to the Registrar in an electronic format or any other format that will facilitate the electronic entry of the set in the records of the land titles registry.
- (5) A set of shortform mortgage covenants must not be amended or modified by the mortgagee or mortgagor except as permitted pursuant to subsection 130(3) of the Act.
- (6) Shortform mortgage covenants are public information and access to and disclosure of shortform mortgage covenants are to be provided in accordance with the Act and these regulations.
- (7) Inactive shortform mortgage covenants will be included in search results but must not be used in an application to register a mortgage except as permitted by the Registrar.

9 Mar 2012 SR 10/2012 s11.

Parcels for which no ownership register is established

112 Pursuant to clause 11(3)(a) of the Act, no ownership register is to be established for parcels that are identified by the Registrar on the conversion of titles pursuant to Division 2 of Part XX of the Act, where the ownership of those parcels has not been determined to the satisfaction of the Registrar.

20 Jly 2001 cL-5.1 Reg 1 s112.

PART XVI
Conversion

Instruments not converted from condominium plan

113(1) Pursuant to clause 198(1)(a) of the Act, every instrument that was endorsed on a condominium plan pursuant to *The Condominium Property Act, 1993* is to be converted in the manner provided by the Registrar and is deemed to be a registered interest except:

- (a) instruments referencing an amendment to condominium corporation bylaws; and
 - (b) instruments providing a notification of change of address of the condominium corporation.
- (2) Pursuant to subsection 198(2) of the Act, every instrument mentioned in subsection (1) is to be dealt with in the following manner:

- (a) instruments referencing an amendment to condominium corporation bylaws are to be entered into the records of the Director appointed pursuant to *The Business Corporations Act*; and
- (b) the records of the Director appointed pursuant to *The Business Corporations Act* are to show the most current address shown on the unconverted instrument.

20 Jly 2001 cL-5.1 Reg 1 s113; 20 Feb 2009 SR
12/2009 s44.

Discontinued general record instruments

114(1) All instruments in the general record of a former land registration district are to be converted and registered in the land titles registry pursuant to subsection 200(2) of the Act, except the following instruments:

- (a) notices of corporate amalgamations;
- (b) notices of corporate name changes;
- (c) powers of attorney;
- (d) letters of administration;
- (e) letters probate;
- (f) local registrar's certificates issued pursuant to the former Act or *The Administration of Estates Act* that no infants or children are interested in the estate;
- (g) Official Guardian's certificates that no infants are interested in an estate;

- (h) Public Trustee's certificates that no infants or children are interested in the estate;
 - (i) revocations of powers of attorney;
 - (j) any orders made by the Minister of Education pursuant to *The Education Act* or *The Education Act, 1995*;
 - (k) any orders made by the Minister of Health pursuant to *The Health Districts Act*;
 - (l) any other records identified by the Registrar as no longer being required pursuant to the Act to be maintained in the land titles registry.
- (2) For each instrument to be converted from the general record and registered in the land titles registry, the summary of that instrument as recorded in the general record is to be used.

20 Jly 2001 cL-5.1 Reg 1 s114.

PART XVII Repeal and Coming into Force

R.R.S. c.L-5 Reg 1 repealed

115 *The Land Titles (Miscellaneous) Regulations* are repealed.

20 Jly 2001 cL-5.1 Reg 1 s115.

Sask. Reg. 88/76 repealed

116 *The Regulations Prescribed for Land Titles Offices Under the Authority of The Land Titles Act*, being Saskatchewan Regulations 88/76, are repealed.

20 Jly 2001 cL-5.1 Reg 1 s116.

Coming into force

117 These regulations come into force on the day on which they are filed with the Registrar of Regulations but are retroactive and are deemed to have been in force on and from June 25, 2001.

20 Jly 2001 cL-5.1 Reg 1 s117.

Appendix 1 Shortform Covenants in Leases <i>(Section 110)</i>	
COLUMN 1	COLUMN 2
1 Will pay taxes	1 That I, the lessee, will pay all taxes, rates, duties and assessments whatsoever, whether municipal or provincial, now charged or to be charged on the demised premises, or on the lessor on account of the demised premises, except municipal taxes for local improvements or works assessed on the property benefited thereby.
2 Will not, without leave, assign or sublet	2 That I, the lessee, will not during the said term transfer, assign or sublet the land and premises hereby leased or sublet or any part thereof or otherwise by any act or deed procure the said land and premises or any part thereof to be transferred or sublet, without the consent in writing of the lessor first had and obtained.
3 Will fence	3 That I, the lessee, will during the continuance of the said term erect and put on the boundaries of the said land, or on those boundaries on which no substantial fence now exists, a good and substantial fence.
4 Will cultivate	4 That I, the lessee, will at all times during the said term cultivate, use and manage in a proper husbandlike manner all such parts of the land as are now or shall hereafter, with the consent in writing of the lessor, be broken up or converted into tillage and will not impoverish or waste the same.
5 Will not cut timber	5 That I, the lessee, will not cut down, fell, injure or destroy any living timber or timberlike tree standing and being on the said land without the consent in writing of the lessor.
6 Will not carry on offensive trade	6 That I, the lessee, will not at any time during the said term use, exercise or carry on or permit or suffer to be used, exercised or carried on, in or upon the said premises or any part thereof any noxious, noisome or offensive art, trade, business, occupation or calling, and no act, matter or thing whatever shall at any time during the said term be done in or upon the said premises or any part thereof that shall or may be or grow to annoyance, nuisance, grievance, damage or any disturbance of the occupiers or owners of the adjoining lands and properties.

Appendix 2 Shortform Covenants in Mortgages <i>(Section 111)</i>	
COLUMN 1	COLUMN 2
1 Have a good title to the land	1 And also that at the time of the execution and delivery hereof I am and stand solely, rightfully and lawfully seized of a good, sure, perfect, absolute and indefeasible estate of inheritance in fee simple of and in the lands, tenements, hereditaments and all and singular other the premises hereinbefore described with their and every part of their appurtenances and of and in every part and parcel thereof without any manner of trusts, reservations, limitations, provisos or conditions, except those contained in the original grant thereof from the Crown or any other matter or thing to alter, charge, change, encumber or defeat the same.
2 Have the right to mortgage the land	2 And also that I now, have in myself good right, full power and lawful and absolute authority to mortgage the said lands, tenements, hereditaments and all and singular other the premises hereby mortgaged or hereinbefore mentioned or intended so to be with their and every of their appurtenances unto the said mortgagee, his heirs, executors, administrators and assigns in manner aforesaid and according to the true intent and meaning of these presents.

<p>3 And that on default, the mortgagee shall have quiet possession of the land</p>	<p>3 And also that from and after default shall happen to be made of or in the payment of the said sum of money in the said above covenant mentioned or the interest thereof or any part thereof or of or in the doing, observing, performing, fulfilling or keeping of possession of some one or more of the covenants in this mortgage particularly set forth contrary to the true intent and meaning of these presents and of the said covenant then and in every such case it shall and may be lawful to and for the said mortgagee, his heirs, executors, administrators and assigns peaceably and quietly to enter into, have, hold, use, occupy, possess and enjoy the aforesaid lands, tenements, hereditaments and premises hereby mortgaged or mentioned or intended so to be with their appurtenances without the let, suit, hindrance, interruption or denial of me, the said mortgagor, my heirs or assigns or any other person or persons whomsoever.</p>
<p>4 Free from all encumbrances</p>	<p>4 And that free and clear and freely and clearly acquitted, exonerated and discharged of and from all arrears of taxes and assessments whatever due or payable upon or in respect of the said lands, tenements, hereditaments and premises or any part thereof, and of and from all former conveyances, mortgages, rights, annuities, debts, judgments, executions and recognizances, and of and from all manner of other charges or encumbrances whatever.</p>

<p>5 Will execute further assurance of the land as may be requisite</p>	<p>5 And also that from and after default shall happen to be such of or in the payment of the said sum of money in the said covenant mentioned or the interest thereof or any part of such money or interest of or in the doing, observing, performing, fulfilling or keeping of some one or more of the covenants in this mortgage particularly set forth, contrary to the true intent and meaning of these presents and of the said covenant, then and in every such case I, the said mortgagor, my heirs and assigns and all and every other person or persons whosoever having or lawfully claiming or who shall or may have or lawfully claim any estate, right, title, interest or trust of, in, to or out of the lands, tenements, hereditaments and premises hereby mortgaged or mentioned or intended so to be with the appurtenances on any part thereof by, from, under or in trust for me the said mortgagor shall and will from time to time and at all times thereafter at the proper costs and charges of the said mortgagee, his heirs, executors, administrators and assigns make, do, suffer and execute or cause or procure to be made, done, suffered and executed all and every such further and other reasonable act or acts, deed or deeds, devices, conveyances and assurances in the law for the further, better and more perfectly and absolutely transferring the said lands, tenements, hereditaments and premises with the appurtenances unto the said mortgagee, his heirs, executors, administrators and assigns as by said mortgages, his heirs, executors or his or their solicitor, shall or may be lawfully and reasonably devised, advised or required, so that no person who shall be required to make or execute such assurances shall be compelled for the making or executing thereof to go or travel from his usual place of abode.</p>
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6 Have not done any act to encumber the land	6 And also that I, the said mortgagor, have not at any time heretofore made, done, committed, executed or wilfully or knowingly suffered any act, deed, matter or thing whatever whereby or by means whereof the said lands, tenements, hereditaments and premises hereby mortgaged or mentioned or intended so to be or any part or parcel thereof are, is or shall or may be in any wise impeached, charged, affected or encumbered in title, estate or otherwise howsoever.
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Appendix 3

[Section 69.1]

Battleford former land registration district:

Township

S T48R19W3M
 S T48R19W3M
 S T51R19W3M
 S T50R20W3M
 S T58R20W3M
 S T51R21W3M
 S T53R21W3M
 S T47R23W3M
 S T47R24W3M
 S T52R24W3M
 S T44R25W3M
 S T48R25W3M
 S T53R25W3M
 S T49R26W3M
 S T58R26W3M
 S T62R26W3M
 S T44R27W3M
 S T47R27W3M
 S T49R28W3M

Humboldt former land registration district:

Township

S T32R17W2M
 S T33R23W2M

Moose Jaw former land registration district:

Township

S T02R24W2M
S T06R25W2M
S T02R27W2M
S T03R28W2M
S T05R28W2M
S T26R15W3M
S T25R18W3M
S T02R07W2M

Prince Albert former land registration district:

Township

S T52R19W2M
S T52R19W2M
S T52R21W2M
S T51R22W2M

Regina former land registration district:

Township

S T03R30W1M
S T07R30W1M
S T15R30W1M
S T03R31W1M
S T05R31W1M
S T06R31W1M
S T16R31W1M
S T19R31W1M
S T03R32W1M
S T07R32W1M
S T18R32W1M
S T19R32W1M
S T05R33W1M
S T20R33W1M
S T03R01W2M
S T07R01W2M
S T19R01W2M
S T03R02W2M
S T08R02W2M
S T09R02W2M
S T04R03W2M
S T03R04W2M
S T08R04W2M
S T01R05W2M
S T08R05W2M
S T01R06W2M
S T02R06W2M
S T05R06W2M
S T02R07W2M
S T08R07W2M
S T02R08W2M

S T06R08W2M
S T08R08W2M
S T11R08W2M
S T03R09W2M
S T09R09W2M
S T04R10W2M
S T10R10W2M
S T05R11W2M
S T08R11W2M
S T06R12W2M
S T05R13W2M
S T02R14W2M
S T08R14W2M
S T08R14W2M
S T05R15W2M
S T02R19W2M
S T13R20W2M
S T19R21W2M
S T19R22W2M

Saskatoon former land registration district:

Township

S T34R01W3M
S T35R01W3M
S T34R02W3M
S T35R07W3M
S T34R08W3M
S T32R19W3M
S T28R20W3M
S T33R20W3M
S T40R22W3M
S T40R22W3M
S T32R23W3M
S T34R23W3M
S T38R24W3M
S T31R25W3M
S T37R25W3M
S T29R26W3M
S T33R26W3M
S T37R26W3M
S T40R26W3M
S T29R27W3M
S T36R27W3M
S T38R27W3M
S T39R27W3M
S T39R28W3M
S T31R29W3M

Swift Current former land registration district:

Township

S T12R12W3M
S T13R13W3M
S T17R16W3M
S T14R17W3M
S T18R17W3M
S T08R18W3M
S T13R19W3M
S T17R19W3M
S T03R20W3M
S T08R20W3M
S T12R20W3M
S T13R21W3M
S T12R23W3M
S T05R25W3M
S T17R26W3M
S T04R27W3M
S T14R27W3M
S T19R29W3M

Yorkton former land registration district:

Township

S T22R32W1M
S T22R01W2M
S T22R01W2M

