

2000

CHAPTER L-5.1

An Act respecting the Registration of Title to and Interests in Land and making consequential amendments to other Acts

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283 Section 2 amended

284 Section 4 amended

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285 S.S. 1979-80, c.H-2.2 amended

286 Section 2 amended

287 Section 8 amended

288 Section 11 amended

289 Section 12 amended

290 Section 13 amended

291 Section 16 amended

292 Section 17 amended

293 Section 18 amended

294 Section 19 amended

295 Section 20 amended

296 Section 24 amended

297 New section 26

298 New section 30

299 Section 31 amended

300 Section 39 amended

301 Section 41 amended

302 Section 43 amended

303 Section 51 amended

304 Section 52 amended

305 Section 53 amended

306 Section 54 amended

307 Section 55 amended

308 Section 57 amended

309 Section 59 amended

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325 Section 2 amended

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328 Section 51 amended

329 Section 52.1 amended

330 New section 52.3

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346 Section 56 amended

347 Section 69 amended

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349 Section 2 amended

350 Section 4 amended

351 Section 14 amended

352 New sections 16 to 18.1

353 Section 22 amended

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355 R.S.S. 1978, c.N-1 amended

356 Section 3 amended

357 Schedule, Form A amended

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359 S.S. 1983, c.N-5.1 amended

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414	R.S.S. 1978, c.P-18 amended	455	Section 4 amended
415	New section 6	456	Section 8 amended
		457	New sections 10 to 13.2

DIVISION 43

The Religious Societies Land Act

- 458 R.S.S. 1978, c.R-19 amended
- 459 Section 2.1 amended
- 460 Section 2.4 amended
- 461 New section 3
- 462 New section 11
- 463 Section 13 amended
- 464 New section 14
- 465 Section 15 amended

DIVISION 44

The Rural Municipality Act, 1989

- 466 S.S. 1989-90, c.R-26.1 amended
- 467 Section 9 amended
- 468 Section 214.1 amended
- 469 Section 248 amended
- 470 Section 294 amended
- 471 New section 412

DIVISION 45

The Sale or Lease of Certain Lands Act

- 472 R.S.S. 1978, c.S-2 amended
- 473 Section 2 amended
- 474 Section 3 amended
- 475 Section 5 amended

DIVISION 46

The Saskatchewan Evidence Act

- 476 R.S.S. 1978, c.S-16, section 22 repealed

DIVISION 47

The Saskatchewan Farm Security Act

- 477 S.S. 1988-89, c.S-17.1 amended
- 478 Section 27.2 amended
- 479 Section 29 amended
- 480 Section 44 amended
- 481 Section 66 amended
- 482 Section 94 amended

DIVISION 48

The Saskatchewan Housing Corporation Act

- 483 R.S.S. 1978, c.S-24 amended
- 484 Section 4 amended

DIVISION 49

The Saskatchewan Property Management Corporation Act

- 485 S.S. 1986-87-88, c.S-32.3 amended
- 486 Section 12 amended
- 487 Section 25 amended

DIVISION 50

The Saskatchewan Telecommunications Act

- 488 R.S.S. 1978, c.S-34 amended
- 489 Section 21 amended
- 490 New sections 22 and 23
- 491 Section 26 amended
- 492 New section 27
- 493 Section 27.1 amended

DIVISION 51

The SaskEnergy Act

- 494 S.S. 1992, c.S-35.1 amended
- 495 New section 31
- 496 Section 32 amended
- 497 Section 33 amended
- 498 Section 55 amended

DIVISION 52

The Securities Act, 1988

- 499 S.S. 1988-89, c.S-42.2 amended
- 500 Section 135.4 amended
- 501 Section 157 amended

DIVISION 53

The Seed Grain Advances Act

- 502 R.S.S. 1978, c.S-46, section 4 amended

DIVISION 54

The Subdivisions Act

- 503 R.S.S. 1978, c.S-62 amended
- 504 Section 2 amended
- 505 Section 3 amended
- 506 Section 4 amended
- 507 Section 5 amended
- 508 Section 6 amended
- 509 Section 7 amended

DIVISION 55

The Surface Rights Acquisition and Compensation Act

- 510 R.S.S. 1978, c.S-65 amended
- 511 Section 2 amended
- 512 New sections 92 and 93
- 513 Section 94 amended

DIVISION 56

The Tax Enforcement Act

- 514 R.S.S. 1978, c.T-2 amended
- 515 Section 2 amended
- 516 Section 3 amended
- 517 Section 4 amended
- 518 Section 5 amended
- 519 New section 10
- 520 Section 11 amended
- 521 New sections 12 and 13
- 522 Section 14 amended
- 523 Section 15 amended
- 524 Section 16 amended
- 525 Section 17 amended
- 526 Section 18 amended
- 527 New section 19
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- 529 Section 21 amended
- 530 Section 22 amended
- 531 Section 23 amended
- 532 Section 24 amended
- 533 Section 26 amended
- 534 New section 26.1
- 535 New section 27
- 536 New section 30
- 537 Section 31 amended
- 538 Section 34 amended
- 539 Section 36 amended
- 540 Section 37 repealed

DIVISION 57

The Urban Municipality Act, 1984

- 541 S.S. 1983-84, c.U-11 amended
- 542 Section 8 amended
- 543 Section 124 amended
- 544 Section 126 amended
- 545 Section 136 amended
- 546 Section 244 amended
- 547 Section 270 amended
- 548 New section 290

DIVISION 58

The Wakamow Valley Authority Act

- 549 S.S. 1980-81, c.W-1.1 amended
- 550 Section 2 amended
- 551 New section 46
- 552 Section 51 amended

DIVISION 59

The Wascana Centre Act

- 553 R.S.S. 1978, c.W-4 amended
- 554 Section 2 amended
- 555 Section 12 amended
- 556 New section 38
- 557 New section 40
- 558 Section 48 amended

DIVISION 60

The Water Corporation Act

- 559 S.S. 1983-84, c.W-4.1 amended
- 560 Section 19 amended
- 561 Section 20 repealed
- 562 Section 59 amended
- 563 Section 60 amended
- 564 Section 76 amended

PART XXII

Repeal

- 565 R.S.S. 1978, c.L-5 repealed

PART XXIII

Coming into Force

- 566 Coming into force

(Assented to June 29, 2000)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

PART I Preliminary Matters

Short title

1 This Act may be cited as *The Land Titles Act, 2000*.

Interpretation

2(1) In this Act:

- (a) **“abstract directory”** means the abstract directory of unpatented land established pursuant to Part IX;
- (b) **“application”** means an application to do any of the following:
 - (i) to have title issue on the basis of a Crown grant;
 - (ii) to register a transfer;
 - (iii) to register an interest;
 - (iv) to otherwise deal with a registered interest;
 - (v) to otherwise add, change or remove information in the land titles registry;
- (c) **“assignment”** means a conveyance of an interest, whether for value or otherwise;
- (d) **“condominium plan”** means a condominium plan as defined in *The Condominium Property Act, 1993*;
- (e) **“condominium title”**, with respect to the condominium unit for which the title has issued, means the right to:
 - (i) an ownership share in the condominium unit; and
 - (ii) a share in the common property;
- (f) **“condominium unit”**:
 - (i) means a unit as defined in *The Condominium Property Act, 1993*; and
 - (ii) where used in reference to a title, ownership share or ownership register, includes a share in the common property;
- (g) **“Controller of Surveys”** means the Controller of Surveys appointed pursuant to *The Land Surveys Act, 2000*;
- (h) **“corporation”** means the Crown corporation created by the Lieutenant Governor in Council pursuant to *The Crown Corporations Act, 1993* as the Crown corporation through which the minister shall administer this Act;

- (i) **“court”** means the Court of Queen’s Bench;
- (j) **“creditor”** means:
 - (i) in the case of a writ, the execution creditor named in the writ;
 - (ii) in the case of a maintenance order, the claimant named in the maintenance order;
- (k) **“Crown”** means, unless otherwise specifically mentioned, the Crown in right of Saskatchewan;
- (l) **“Crown grant”** means, as the case may require:
 - (i) a grant of fee simple to the surface parcel of Crown land, whether granted directly from the Crown in right of Canada or Saskatchewan or pursuant to any Act or law;
 - (ii) a grant of fee simple in the mineral commodities within Crown land, whether granted directly from the Crown in right of Canada or Saskatchewan or pursuant to any Act or law;
 - (iii) the instrument to effect a grant mentioned in subclause (i) or (ii);
- (m) **“debtor”** means:
 - (i) in the case of a writ, the execution debtor named in the writ;
 - (ii) in the case of a maintenance order, the respondent named in the maintenance order;
- (n) **“Deputy Registrar”** means a Deputy Registrar of Titles appointed pursuant to section 7;
- (o) **“document”** includes, unless the context otherwise requires, any record of information, regardless of how it is recorded or stored, whether in printed form, on microfilm, by electronic means or otherwise;
- (p) **“former land registration district”** means a land registration district that was in existence pursuant to *The Land Titles Act* on the day before an order pursuant to section 191 came into force designating that land registration district as an area of Saskatchewan to which this Act applies;
- (q) **“general record”** means a general record for a former land registration district that was required to be kept pursuant to section 31 of the former Act;
- (r) **“instrument”** means any document on which a registration is based;
- (s) **“interest”** means any right, interest or estate, whether legal or equitable, in, over or under land recognized at law that is less than title;
- (t) **“interest holder”** means a person who is registered in the land titles registry as a holder of an interest;
- (u) **“land”** means:
 - (i) the surface;
 - (ii) mines and minerals; and

- (iii) unless the context requires otherwise, the condominium units and common property included in a condominium plan;
- (v) **“land titles registry”** means the Land Titles Registry established pursuant to section 4;
- (w) **“lease”** includes a sublease;
- (x) **“maintenance order”** means a maintenance order as defined in *The Enforcement of Maintenance Orders Act, 1997*;
- (y) **“mineral commodity”** means one or more mines and minerals:
 - (i) within a mineral parcel; and
 - (ii) designated as a mineral commodity in the regulations;
- (z) **“mineral parcel”** means a parcel as defined in *The Land Surveys Act, 2000* with respect to which the Registrar may issue title for the mineral commodities;
- (aa) **“mineral title”** means the right to an ownership share in the mineral commodity for which the Registrar has issued title;
- (bb) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (cc) **“mortgage”** means a charge on land created for securing payment of money, and includes a hypothecation of that charge and a charge created for securing payment of any annuity, rent charge or sum of money other than a debt or loan;
- (dd) **“mortgagee”** means the holder of a mortgage;
- (ee) **“mortgagor”** means the owner or transferee of a title, or the holder or assignee of an interest, that is mortgaged;
- (ff) **“ownership share”** means the share that is owned by one person, or by more than one person as joint tenants, in a surface parcel, mineral commodity or condominium unit for which title has issued;
- (gg) **“parcel”** means a surface parcel or a mineral parcel;
- (hh) **“person”** includes an entity that is designated for the purposes of clause 33(d);
- (ii) **“plan”** means a plan as defined in *The Land Surveys Act, 2000*;
- (jj) **“prescribed”** means prescribed in the regulations;
- (kk) **“registered”** means registered by the Registrar in the land titles registry;
- (ll) **“registered owner”** means a registered owner of title;
- (mm) **“Registrar”** means the Registrar of Titles appointed pursuant to section 6;

- (nn) **“registration”** means any of the following:
- (i) to have title issue on the basis of a Crown grant;
 - (ii) to register a transfer;
 - (iii) to register an interest;
 - (iv) to otherwise deal with a registered interest;
 - (v) to otherwise add, change or remove information in the land titles registry;
- (oo) **“surface”** means land other than:
- (i) mines and minerals; and
 - (ii) the condominium units and common property included in a condominium plan;
- (pp) **“surface parcel”** means a parcel as defined in *The Land Surveys Act, 2000* with respect to which the Registrar may issue title for the surface;
- (qq) **“surface title”** means the right to an ownership share in a surface parcel for which the Registrar has issued title;
- (rr) **“title”** means a surface title, a mineral title or a condominium title, but does not include an uncertified mineral title;
- (ss) **“transfer”** means to convey a title pursuant to this Act, whether voluntarily or otherwise and whether for value or otherwise, and includes a Crown grant unless the context requires otherwise;
- (tt) **“transferee”** means the person to whom title is transferred;
- (uu) **“transferor”** means the person by whom title is transferred;
- (vv) **“uncertified mineral title”** means an uncertified mineral title within the meaning of section 195 that has not been certified pursuant to section 17;
- (ww) **“writ”** means a writ of execution, and includes:
- (i) any instrument or other writ in the nature of a writ of execution that is created pursuant to an Act or Act of the Parliament of Canada; and
 - (ii) any other prescribed instrument;
- but does not include any instrument that may be designated in the regulations;
- (xx) **“writ registry”** means the Saskatchewan Writ Registry established pursuant to Part XVIII.
- (2) In this Act:
- (a) **“a former Act”** means the former Act and includes any former *Land Titles Act*;
 - (b) **“the former Act”** means *The Land Titles Act*, as that Act existed on the day before the coming into force of section 1 of this Act.

(3) In this Act, “**application for registration of a transfer**” includes an application to issue title or an application to issue first title, unless the context requires otherwise.

(4) In this Act, “**registration of an interest**” includes registration of an assignment, amendment, postponement or discharge of an interest, unless the context requires otherwise.

Application

3(1) Subject to subsection (2), this Act applies to transactions and any other matters regulated by this Act 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 as an area to which this Act applies.

(2) Part I, subsection 27(5), clause 47(3)(c) and Parts VIII, XV, XVI, XVIII and XIX apply to every area of Saskatchewan insofar as a writ or maintenance order has effect or may have effect in that area.

PART II

Organization of Land Titles Registry

Land Titles Registry established

4(1) The Land Titles Registry is established.

(2) Where, pursuant to section 191, the Lieutenant Governor in Council designates a former land registration district as an area of Saskatchewan to which this Act applies, subject to subsections (4) and (5), all documents that were filed or registered in the land titles office of the former land registration district pursuant to a former Act, *The Condominium Property Act, 1993* or any former *Condominium Property Act* and that were in existence on the day before the coming into force of the designation order become part of the land titles registry.

(3) In addition to the documents mentioned in subsection (2), the land titles registry includes all documents registered or that accompanied a registration made pursuant to this Act.

(4) The land titles registry does not include:

- (a) the abstract directory;
- (b) the writ registry;
- (c) any documents mentioned in section 200 or 201; or
- (d) any documents that form part of the land surveys directory established pursuant to *The Land Surveys Act, 2000*.

(5) Subsection (2) does not apply to writs and maintenance orders filed in the general record of any former land registration district, and those writs and maintenance orders are to be dealt with in accordance with Part XVIII.

Land registration district

5(1) The Saskatchewan Land Registration District is established.

(2) On the coming into force of an order pursuant to section 191 designating a former land registration district as an area of Saskatchewan to which this Act applies, that former land registration district ceases to exist and becomes part of the Saskatchewan Land Registration District.

Registrar of Titles

6(1) Subject to subsection (2), the Lieutenant Governor in Council, on the recommendation of the Minister of Justice and the minister responsible for the corporation, may appoint a Registrar of Titles.

(2) To be eligible to be appointed as Registrar of Titles, a person must be:

(a) a lawyer of at least three years' standing of any jurisdiction in Canada; and

(b) a member of the Law Society of Saskatchewan who is in good standing.

(3) The Registrar is responsible for:

(a) supervising, under the direction of the minister and the corporation, the operation of the land titles registry;

(b) directing and supervising all persons employed, or otherwise engaged, by the corporation in the exercise of their powers and in the performance of their responsibilities in connection with the land titles registry;

(c) maintaining all documents in the land titles registry; and

(d) performing any additional functions or responsibilities assigned to the Registrar by this Act, the regulations, the minister or the corporation.

(4) The Registrar is an employee of the corporation and an agent of the Crown, and all actions of the Registrar taken pursuant to this Act and the regulations are taken on behalf of the Crown.

(5) The Lieutenant Governor in Council may approve a seal of office for the Registrar.

(6) The Registrar holds office at pleasure and may be removed by the Lieutenant Governor in Council on the recommendation of the Minister of Justice and the minister responsible for the corporation.

(7) Without restricting the generality of subsection (6), the Minister of Justice may recommend that the Registrar be removed from office where the Registrar has breached a statutory duty imposed by this Act, and the Lieutenant Governor in Council may remove the Registrar from office based solely on that recommendation.

(8) No person shall seek to direct the Registrar in the performance of any statutory duty imposed on the Registrar by this Act.

(9) The Registrar shall provide an annual report to the Minister of Justice regarding the Registrar's performance of his or her statutory duties imposed by this Act.

(10) The Registrar shall immediately report to the Minister of Justice any business or practice of the corporation or of any other person that impairs the Registrar's ability to carry out his or her statutory duties imposed by this Act.

Deputy Registrar of Titles

7(1) Subject to subsection (2), the minister responsible for the corporation and the Minister of Justice may appoint one or more persons as Deputy Registrars of Titles to assist the Registrar.

(2) To be eligible to be appointed as a Deputy Registrar of Titles, a person must be a member of the Law Society of Saskatchewan who is in good standing.

(3) A Deputy Registrar is an employee of the corporation.

(4) A Deputy Registrar shall act under the direction of the Registrar.

(5) Where the Registrar is absent or unable to act or the office of the Registrar is vacant, a Deputy Registrar may exercise all the powers and shall perform all the responsibilities of the Registrar, including any statutory duties imposed on the Registrar by this Act.

Delegation by Registrar

8(1) The Registrar may, in writing, authorize any officer or employee of the corporation to perform any of the responsibilities imposed, including any statutory duties, or to exercise any of the powers conferred on the Registrar by this Act.

(2) The performance or exercise by an officer or employee authorized pursuant to subsection (1) of the responsibilities imposed or powers conferred on the Registrar by this Act is deemed to be an act performed or exercised by the Registrar.

(3) The Registrar may, in writing, set any limit or condition on an authorization pursuant to this section that the Registrar considers reasonable.

Prohibition of officers acting in conflict with responsibilities

9 Neither the Registrar, any Deputy Registrar, nor any officer or employee of the corporation who is performing a responsibility or exercising a power pursuant to section 8 shall, other than in an official capacity:

- (a) directly or indirectly act as the agent of any person applying to the land titles registry for registration;
- (b) provide advice respecting the land titles registry for fee, reward or otherwise;
- (c) practise as a barrister, solicitor or conveyancer; or
- (d) carry on any other business or occupation within the land titles registry.

Corporation responsible to minister

10 The corporation is responsible to the minister for the performance of the duties imposed on the corporation, and in the exercise of the powers conferred on the corporation, for the purpose of administering this Act.

PART III
Fundamental Principles

DIVISION 1
Title

Ownership registers

11(1) Subject to subsection (3), the Registrar shall establish and maintain an ownership register for:

- (a) each surface parcel that has been the subject of a Crown grant submitted to the land titles registry;
 - (b) each mineral commodity that has been the subject of a Crown grant submitted to the land titles registry; and
 - (c) each condominium unit that is the subject of an application for issuance of title pursuant to *The Condominium Property Act, 1993*.
- (2) Each ownership register established and maintained pursuant to subsection (1) must include a record of the registered owners and their ownership shares.
- (3) No ownership register is to be established for:
- (a) any type of parcel that is designated in the regulations as a type of parcel for which no ownership register is to be established; and
 - (b) any mineral commodity that is designated in the regulations as a mineral commodity for which no ownership register is to be established.

Contents of title

12(1) The Registrar shall issue a title for every ownership share recorded in an ownership register established and maintained pursuant to section 11.

- (2) Where there is more than one title for a surface parcel, mineral commodity or condominium unit, the registered owners of each title:
- (a) are tenants in common with the registered owners of the other title or titles to that surface parcel, mineral commodity or condominium unit; and
 - (b) must be issued a separate title from the other registered owners.
- (3) Where there is more than one registered owner of a title, the registered owners hold the title as:
- (a) joint tenants; or
 - (b) as joint tenants with no survivorship, if specified on the title.
- (4) A surface title must not reference more than one surface parcel.
- (5) A mineral title must not reference:
- (a) more than one mineral parcel; or
 - (b) more than one mineral commodity in that mineral parcel.

- (6) A condominium title:
 - (a) must not reference more than one condominium unit; and
 - (b) must include a share in the common property.
- (7) Every title that is issued pursuant to this section is for an estate in fee simple in the surface parcel, mineral commodity or condominium unit to which the title refers.

Effect of title

13(1) Where the Registrar issues a title pursuant to this Act:

- (a) subject to section 14, the registered owner holds the title free from all interests, exceptions and reservations; and
- (b) subject to section 15:
 - (i) the title is conclusive proof that the registered owner is entitled to the ownership share in the surface parcel, mineral commodity or condominium unit for which the title has issued;
 - (ii) the title may not be altered or revoked or removed from the registered owner; and
 - (iii) no action of ejectment from land or other action to recover or obtain land lies or shall be instituted against the registered owner.
- (2) Subsection (1) does not apply to uncertified mineral titles.
- (3) The boundaries, or the extent or area determined by boundaries:
 - (a) of a parcel are to be determined in accordance with *The Land Surveys Act, 2000*; and
 - (b) of a condominium unit or the common property included in a condominium plan are to be determined in accordance with *The Condominium Property Act, 1993* and *The Land Surveys Act, 2000*.
- (4) No title defines or is proof of:
 - (a) the boundaries of a parcel;
 - (b) the extent or area determined by the boundaries of a parcel;
 - (c) the boundaries of a condominium unit or the common property included in a condominium plan; or
 - (d) the extent or area determined by the boundaries of a condominium unit or the common property included in a condominium plan.

Exceptions to clear title

14 Every title is subject to:

- (a) any interest that is registered against the title pursuant to this Act or any other Act or law; and
- (b) the exceptions, reservations and interests that are implied pursuant to section 18, whether or not those exceptions, reservations and interests are registered against the title or mentioned on any title.

Exceptions to conclusive title

15(1) In the following cases, title is not conclusive proof that the registered owner is entitled to the ownership share in the surface parcel, mineral commodity or condominium unit for which the title has issued:

- (a) where the registered owner has acquired the title by participating or colluding in fraud;
 - (b) in the case of a registered owner who obtains title, directly or indirectly, from a registered owner described in clause (a), where no value has been given for acquisition of the title since the registered owner described in clause (a) acquired the title;
 - (c) where competing titles, within the meaning of section 16, exist with respect to all or a portion of the same surface parcel, mineral commodity or condominium unit.
- (2) Every title is subject to alteration or revocation or removal from the registered owner by:
- (a) a correction made in accordance with section 97;
 - (b) a Registrar's order made pursuant to section 101;
 - (c) a court order; or
 - (d) any procedure authorized by this Act or any other Act.
- (3) An action of ejectment from land or other action to obtain or recover land may only be instituted against the registered owner:
- (a) in a case mentioned in subsection (1);
 - (b) in the case of a person enforcing any interest or right mentioned in section 14; or
 - (c) where there is authority for the action pursuant to this Act or any other Act.

Competing titles

16(1) In this section, "**person whose title was registered first**" means:

- (a) the person who is the registered owner of the title that was registered first; or
 - (b) any person whose claim is derived directly or indirectly from the person mentioned in clause (a).
- (2) Where competing titles exist at any time with respect to all or a portion of the same surface parcel, mineral commodity or condominium unit, the person who is entitled to be the registered owner of the title is the person whose title was registered first.

Certification of uncertified mineral titles

17(1) Any person may apply to the Registrar in the prescribed manner for certification of an uncertified mineral title as a mineral title in accordance with this section.

(2) The Registrar may, on his or her own initiative, certify an uncertified mineral title as a mineral title in accordance with this section.

(3) On receipt of an application pursuant to subsection (1), or on the Registrar's own initiative, the Registrar shall:

(a) search and examine the records of the land titles registry and the abstract directory to determine the ownership of all mineral commodities in the mineral parcel; and

(b) issue mineral titles if the Registrar is satisfied that the purported ownership of all mineral commodities in the mineral parcel is correct.

Implied interests

18(1) Subject to subsection (2), every title and the land for which the title has issued, is, by implication and without any special mention in the title, deemed to be subject to the following exceptions, reservations and interests:

(a) any subsisting reservations or exceptions, including royalties, expressly contained in the original Crown grant or reserved in or excepted from the Crown grant pursuant to any Act or law or contained in any other grant or disposition from the Crown;

(b) any right or interest granted by or pursuant to an Act or an Act of the Parliament of Canada that does not have to be registered:

(i) to enter, go across or do things on land, including an easement or right of way, for the purposes specified in the enactment;

(ii) to recover taxes, duties, liens, charges, rates or assessments by proceedings with respect to land;

(iii) to expropriate land;

(iv) to restrict the use of land; or

(v) to control, regulate or restrict the subdivision of land;

(c) any public highway or right of way or other public easement, however created, on, over or with respect to the land included in the title;

(d) any subsisting lease or agreement for lease for a term not exceeding three years where there is actual occupation of the land for which title has issued pursuant to the lease or agreement;

(e) any subsisting tenancy agreement within the meaning of *The Residential Tenancies Act*;

(f) any claim, right, estate or interest set out in section 21;

(g) the reservation of any minerals that become vested in the Crown pursuant to any *Mineral Taxation Act*, and the rights of the Crown with respect to those minerals;

(h) any consent, right of way or easement, however acquired, whether before or after the coming into force of this clause, with respect to land situated outside the corporate limits of an urban municipality, to construct and maintain a pipeline on or under that land pursuant to a program established for the purpose of supplying natural or manufactured gas to one or more persons residing in that area, by:

- (i) Saskatchewan Energy Corporation, a body corporate incorporated pursuant to *The Business Corporations Act* on April 25, 1988;
- (ii) Provincial Gas Limited, a body corporate incorporated pursuant to *The Business Corporations Act* on March 30, 1988; or
- (iii) SaskEnergy Incorporated continued pursuant to *The SaskEnergy Act*.

(2) The exceptions, reservations and interests that are implied against a title pursuant to subsection (1) do not apply if the title expressly states that they do not apply.

Implied condition on road closing

19 On the closing of any road allowance, road, street, lane or trail vested in the Crown, the land mentioned in any title issued for that road allowance, road, street, lane or trail is, by implication and without any special mention in the title, deemed to be subject to any easements and rights affecting that land that are granted to any person pursuant to:

- (a) *The Public Utilities Easements Act*;
- (b) the *National Energy Board Act* (Canada);
- (c) *The Public Utilities Companies Act*, as that Act existed on September 30, 1988, or any former *Public Utilities Companies Act*;
- (d) *The Pipelines Act, 1998* or any former *Pipe Lines Act*;
- (e) *The Power Corporation Act*; or
- (f) any Act or Act of the Parliament of Canada passed in substitution of any Act or Act of the Parliament of Canada mentioned in clauses (a) to (e).

Implied condition on abandonment of railway right of way

20(1) This section applies where:

- (a) a railway company has consented to the crossing of a railway right of way by the facilities of Saskatchewan Power Corporation, SaskEnergy Incorporated and TransGas Ltd. or Saskatchewan Telecommunications, or the Transport Commission has granted leave for the crossing pursuant to the *Railway Act* (Canada);
- (b) the railway right of way is transferred by a railway company to the Crown in right of Canada or Saskatchewan;
- (c) the Crown in right of Canada or Saskatchewan transfers the railway right of way to a third party; and

(d) the railway right of way transferred to the third party is consolidated with other land owned by the third party that is subject to an interest:

(i) that is registered by Saskatchewan Power Corporation, SaskEnergy Incorporated and TransGas Ltd. or Saskatchewan Telecommunications; and

(ii) that covers part of the same facilities to which the crossing mentioned in clause (a) relates.

(2) Where the conditions of subsection (1) are met, the instrument on which the interest mentioned in clause (1)(d) is based is, by implication and without any special mention in any title, deemed to include that portion of the transferred railway right of way that was previously affected by the crossing mentioned in clause (1)(a) to the same width of right of way that is mentioned in the instrument.

No title by adverse possession

21(1) After the issuance of first title pursuant to a Crown grant:

(a) no person acquires by way of possession any right, title or interest adverse to or in derogation of the registered owner's title or right to possess the land for which the title has issued; and

(b) the right of the registered owner to enter or to bring an action to recover the land for which the title has issued is not impaired or affected by the possession of the land by any other person.

(2) Notwithstanding subsection (1), every title is void as against the claim, right, estate or interest of any other person who is adversely in actual occupation and rightly entitled to the land mentioned in subsection (1) at the time first title to the land is issued.

Effect of new title issued pursuant to an exception

22 Unless the court orders otherwise or another Act provides otherwise, any new title issued as a result of an action brought pursuant to section 15 includes and is subject to all interests registered against the previous title.

Reliability of title

23(1) A person taking or proposing to take from a registered owner a transfer or an interest in land or dealing with a title:

(a) is not bound:

(i) to inquire into or ascertain the circumstances in or the consideration for which the registered owner or any previous registered owner acquired title; or

(ii) to see to the application of the purchase money or any part of the purchase money; and

(b) notwithstanding any law to the contrary but subject to sections 18 and 35, is not affected by any direct, implied or constructive notice of:

- (i) any trust;
- (ii) any other unregistered interest; or
- (iii) any unregistered transfer.

(2) Knowledge on the part of the person that any trust or other unregistered interest or any unregistered transfer is in existence must not of itself be imputed as fraud.

Reliability of interest

24(1) A person taking or proposing to take an interest in a title or in another interest for the purpose of obtaining priority over any other trust or unregistered interest is not bound to inquire into and, subject to sections 18 and 35, is not affected by any direct, implied or constructive notice of any trust or any other unregistered interest.

(2) Knowledge on the part of the person that any trust or other unregistered interest is in existence must not of itself be imputed as fraud.

DIVISION 2
Registration and Priority

Registration required

25(1) Except as against the person making it, an instrument purporting to transfer, assign, charge, deal with or affect any title, interest, or land for which title has issued, does not operate to create or convey any title or interest until an application for registration of a transfer of title or an application for registration of an interest based on that instrument is registered in accordance with this Act.

(2) An instrument mentioned in subsection (1) confers on every person benefited by the instrument, and on every person claiming through or under the person benefited, whether by descent, purchase or otherwise, the right to apply for registration of a transfer of title or for registration of an interest based on that instrument.

(3) Registration against one title to a surface parcel, mineral commodity or condominium unit does not effect a registration against all titles to that surface parcel, mineral commodity or condominium unit.

When registration effected

26 Registration of a transfer or an interest is effective from the time assigned to it at the land titles registry.

Priority

27(1) Transfers or interests that are registered with respect to or affecting the same title or interest have priority, the one over the other, according to the time assigned to them at the land titles registry, and not according to:

- (a) the date of execution of the instrument;
- (b) the date of execution of the application; or
- (c) the time of submission of the application to the land titles registry.

(2) The registration of an interest based on a mortgage for a specific principal sum has priority in accordance with subsection (1) for all advances and obligations secured pursuant to the terms of the mortgage, notwithstanding that the advances and obligations are made or incurred after the registration of any other interest.

(3) The registration of an interest based on a mortgage that provides for a revolving line of credit up to a specific principal sum has priority in accordance with subsection (1) for all advances and obligations secured pursuant to the terms of the mortgage notwithstanding that:

(a) the advances and obligations are made or incurred after the registration of any other interest; and

(b) at any time during the term of the mortgage there may not be any outstanding advances to be secured.

(4) Subsections (2) and (3) do not affect any right acquired pursuant to *The Builders' Lien Act* or *The Personal Property Security Act, 1993*.

PART IV Registration Procedures

Application for registration

28(1) Any person who wishes to do any of the following shall apply to the Registrar in the prescribed manner:

(a) to have title issue on the basis of a Crown grant;

(b) to register a transfer;

(c) to register an interest;

(d) to otherwise deal with a registered interest;

(e) to otherwise add, change or remove information in the land titles registry.

(2) No person shall apply pursuant to subsection (1) unless authorized at law to do so.

Electronic registration

29(1) No person, other than a prescribed person or a person who is a member of a prescribed category of persons, shall submit to the Registrar an application for registration in electronic format.

(2) No person, other than the Registrar or a prescribed person or a person who is a member of a prescribed category of persons, shall electronically register a document in the land titles registry.

(3) Where a person mentioned in subsection (2), other than the Registrar, electronically registers a document in the land titles registry, that person is deemed to do so on behalf of the Registrar.

(4) No person mentioned in subsection (2), other than the Registrar, shall electronically register a document in the land titles registry before successfully completing the prescribed training for electronic registration.

Requirements for electronic registration

30 Except where provided by this Act or the regulations, an electronic application that is made in compliance with this Act and the regulations has the same effect for all purposes as an application made in writing that meets the requirements of this Act.

Rejected applications

31(1) Notwithstanding any other provision of this Act, the Registrar may refuse to register any application where, in the opinion of the Registrar:

- (a) the application does not comply with this Act or the regulations or any other Act or law pursuant to which registration is authorized; or
- (b) the application is incomplete, is not in proper form or is otherwise unfit for registration.

(2) Where an application that is submitted to the Registrar for registration is subject to a prescribed condition, the Registrar shall refuse to register the application if the condition is not satisfied at the time the application is to be registered.

(3) Where an application that is submitted to the Registrar for registration states that it is subject to a condition that is not a prescribed condition, the Registrar shall deal with the application as if it were not subject to that condition.

(4) Where two or more applications are submitted together for registration in a particular order and where the Registrar refuses to register one or more of those applications for a reason mentioned in subsection (1) or (2), the Registrar shall refuse to register all of those applications.

Confirmation and notices

32 The land titles registry shall provide confirmation of or a notice respecting a registration in the prescribed manner.

**PART V
Owners**

**DIVISION 1
General**

Capacity to be a registered owner or interest holder

33 Every registered owner or interest holder must be:

- (a) an individual;
- (b) the Crown in right of Canada or Saskatchewan;
- (c) a body corporate; or
- (d) any other entity that is designated in the regulations.

Ownership structures

- 34(1)** Where an application for registration of a transfer sets out the ownership shares in the surface parcel, mineral commodity or condominium unit for which the title is to issue, the title must be issued with the ownership shares in the surface parcel, mineral commodity or condominium unit as set out in the application.
- (2) Where an application for registration of an interest sets out the shares of the interest holders in the interest to be registered, the interest must be registered with the shares in the interest as set out in the application.
- (3) Where two or more persons are registered owners or interest holders, each owns his or her title or holds his or her interest as a tenant in common with the other person or persons unless the relevant application sets out that they are to hold the title or interest as joint tenants or as joint tenants with no survivorship.
- (4) A change in the ownership structure described in subsection (1), (2) or (3) may be effected:
- (a) in the case of a title, by registration of a transfer in accordance with section 46; and
 - (b) in the case of an interest, by registration of an assignment in accordance with section 60.

No trusts registered

- 35(1)** No person may be registered on title as a trustee.
- (2) The Registrar shall treat any application to register a transfer to or an interest held in the name of a person in his or her capacity as trustee as if there were no trust, and the trustee named in that application is deemed to be the absolute and beneficial owner of the title or holder of the interest for the purposes of this Act.
- (3) Notwithstanding subsections (1) and (2), a personal representative of the estate of a deceased person must be registered as owner of a title or holder of an interest, as the case may be, in his or her capacity as personal representative.
- (4) Notwithstanding subsections (1) and (2), a trustee in bankruptcy must be registered as owner of a title or holder of an interest, as the case may be, in his or her capacity as trustee in bankruptcy.

DIVISION 2

Joint Tenancy with No Survivorship**Joint tenants with no survivorship**

- 36** Where a title has issued to two or more persons as joint tenants with no survivorship, the Registrar shall not accept any application for registration of a transfer unless:
- (a) all joint tenants registered on the title consent to the application; or
 - (b) a court order obtained pursuant to section 37 has been registered authorizing the application.

Court order where no survivorship

37(1) Where the registered owners of a title hold the title as joint tenants with no survivorship pursuant to section 34 and not all of the joint tenants agree to a proposed application to the land titles registry to deal with the title, the registered owners wishing to deal with the title may apply to the court for an order authorizing the application to the land titles registry.

(2) On an application to the court pursuant to subsection (1), the court may do any or all of the following:

- (a) order that notice of the application to the land titles registry be advertised in the manner determined by the court;
- (b) set the period within which any interested person may show cause why the order sought by the applicants should not be made;
- (c) authorize any application to the Registrar of Titles for registration of a transfer to any new owner or owners, solely or jointly, with or in the place of any existing owner or owners;
- (d) authorize any application to the Registrar of Titles for registration of a transfer that the court considers necessary.

DIVISION 3**Changes of Name and Address****Changes of name and address**

38(1) The Registrar may change in the land titles registry the name or address of an individual who is a registered owner or an interest holder where that individual:

- (a) changes his or her name pursuant to an Act or an Act of another jurisdiction, or changes his or her address; and
- (b) applies to the Registrar for registration of a change of name or address in the prescribed manner.

(2) Where permitted or authorized to do so in accordance with the regulations, the Registrar may change the name or address of a registered owner or an interest holder that is not an individual.

DIVISION 4**Children and Dependent Adults****Children**

39(1) In this section, “**child**” means an individual under the age of 18 years.

(2) Where a registered owner or an interest holder is a child, the Public Trustee or any other person who, in the opinion of the Registrar, appears to be responsible for the child’s property may notify the Registrar, in the prescribed manner, of the titles for which the child is a registered owner and the interests for which the child is an interest holder.

(3) Once the Registrar has been notified in accordance with subsection (2) and for as long as the registered owner or interest holder remains a child, no application for registration of a transfer or an assignment of an interest to which the Public Trustee's or other person's notice applies shall be registered without:

- (a) the Public Trustee's consent, in the prescribed manner; or
- (b) a court order authorizing the registration.

Dependent adults

40(1) In this section:

- (a) **"dependent adult"** means a person:
 - (i) with respect to whom a certificate of incompetence has been issued pursuant to *The Mentally Disordered Persons Act*; or
 - (ii) with respect to whom an order has been made pursuant to *The Dependent Adults Act* appointing a property guardian;
- (b) **"property guardian"** means a person appointed as property guardian of a dependent adult pursuant to *The Dependent Adults Act* or *The Public Trustee Act*.

(2) Where a registered owner or an interest holder is a dependent adult, the dependent adult's property guardian shall notify the Registrar, in the prescribed manner, of the titles for which the dependent adult is a registered owner and the interests for which the dependent adult is an interest holder.

(3) Once the Registrar has been notified in accordance with subsection (2), no application for registration of a transfer or an assignment of an interest to which the property guardian's notice applies may be registered without:

- (a) the property guardian's consent, in the prescribed manner; or
- (b) a court order authorizing the registration.

PART VI

Issuance of Title Respecting a New Parcel

Interpretation of Part

41 In this Part:

- (a) **"former parcel"** means a titled parcel as it existed before a plan affecting that parcel was approved by the Controller of Surveys pursuant to *The Land Surveys Act, 2000*, and includes a former surface parcel and former mineral parcel;
- (b) **"new parcel"** means a parcel that is shown on the most recent plan affecting that parcel that has been approved by the Controller of Surveys pursuant to *The Land Surveys Act, 2000*;
- (c) **"vested parcel"** means a parcel for which a vesting certificate has been provided to the Registrar pursuant to section 43.

Non-application of Part to condominiums, exception

42(1) This Part, other than section 43, does not apply to an application to issue title with respect to a condominium plan.

(2) *The Condominium Property Act, 1993* applies to an application mentioned in subsection (1).

Vested parcels

43(1) The Controller of Surveys shall provide the Registrar with a vesting certificate for each new parcel that is:

(a) dedicated land, dedicated pursuant to Part VIII of *The Planning and Development Act, 1983* as a buffer strip, environmental reserve, municipal reserve, public reserve or walkway; or

(b) a street or lane.

(2) On receipt by the Registrar of an application pursuant to section 44 that meets the requirements of that section:

(a) the parcels mentioned in clause (1)(a) vest in the Crown or the municipality in accordance with *The Planning and Development Act, 1983*; and

(b) the parcels mentioned in clause (1)(b) vest in the Crown.

Application to issue title respecting new parcel

44(1) A person who wishes to obtain a title respecting a new parcel shall apply to the Registrar in the prescribed manner.

(2) On receipt of an application that meets the requirements of this section, the Registrar shall:

(a) cancel the ownership registers for the former surface parcels or for the mineral commodities within the former mineral parcels, as the case may be;

(b) cancel all titles issued in relation to the ownership registers mentioned in clause (a);

(c) establish new ownership registers for:

(i) each new surface parcel, including each new vested parcel other than a prescribed vested parcel; and

(ii) each mineral commodity within each new mineral parcel where the mineral commodity has been the subject of a Crown grant;

(d) issue titles to all vested parcels other than a prescribed vested parcel; and

(e) subject to section 45, issue titles for every ownership share recorded in the new ownership registers established pursuant to clause (c), as requested in the application.

- (3) Every new title issued pursuant to clause (2)(e) includes and is subject to:
- (a) the exceptions, reservations and interests implied pursuant to section 18; and
 - (b) every interest that was registered against any title that was cancelled pursuant to clause (2)(b) where:
 - (i) the title that was cancelled was issued with respect to a former parcel; and
 - (ii) the former parcel mentioned in subclause (i) is wholly or partially included in the new parcel with respect to which the new title is issued.
- (4) Every new title issued pursuant to clause (2)(d) does not include, is not subject to, and is to be issued free and clear of any interest described in clause (3)(b).
- (5) Notwithstanding section 27, the registered interests mentioned in clause (3)(b) have priority, the one over the other, according to:
- (a) subject to clause (b):
 - (i) the times of registration assigned to the interests registered pursuant to this Act; or
 - (ii) the registration numbers assigned pursuant to a former Act to the interests registered pursuant to a former Act; or
 - (b) the dates of registration, where priority cannot be determined pursuant to subclause (a)(ii).
- (6) The registered interests mentioned in clause (3)(b) have priority only to the extent to which they were originally described in the land titles registry.

Consent of mortgagee necessary

- 45(1) This section applies only to those applications to issue title respecting a new parcel pursuant to clause 44(2)(e) where the new parcel is shown on a plan of subdivision that has been approved by the Controller of Surveys pursuant to *The Land Surveys Act, 2000*.
- (2) The Registrar shall not register any application mentioned in subsection (1) unless the application is accompanied by the consent of the holder of any interest based on a mortgage that is registered against the title to any former parcel.

**PART VII
Transfers of Titles**

Application to register transfer

- 46 An application for registration of a transfer must be made to the Registrar in the prescribed manner.

Effect of transfer

- 47(1) Every registration of a transfer operates as an absolute transfer of title.
- (2) On receipt of an application for registration of a transfer that meets the requirements of section 46, the Registrar shall:
- (a) issue one or more new titles in the name of the transferee or transferees; and
 - (b) cancel the title or titles of the transferor.

- (3) Each new title issued pursuant to subsection (2) must include and is subject to:
- (a) any interest that was registered against the former title;
 - (b) any exception, reservation or interest implied pursuant to section 18; and
 - (c) any interest based on a writ or maintenance order that is registered in the writ registry in accordance with Part XVIII where there is an exact match between:
 - (i) the name of the debtor on the writ or maintenance order; and
 - (ii) the name of the registered owner on the new title.

No transfer of uncertified mineral titles

48 No application for registration of a transfer respecting an uncertified mineral title may be registered.

**PART VIII
Interests**

**DIVISION 1
Registration of Interests**

Interest registers

49(1) The Registrar shall establish and maintain an interest register for each interest registered in accordance with this Act.

(2) Each interest register established and maintained pursuant to subsection (1) with respect to an interest must include a record of the interest holders, their respective shares in the interest, and the other interests, titles or parcels affected by that interest.

(3) Where there is more than one share in an interest, the interest holder of each share in the interest holds his or her share as a tenant in common with the other registered holders of shares in the interest.

(4) Where there is more than one interest holder of a share in an interest, the interest holders hold their share in the interest as joint tenants.

(5) An interest may be registered against more than one interest, title or parcel.

Registrable interests

50(1) An application for registration of an interest may be submitted only if the interest, at the time of registration, is:

- (a) recognized at law as an interest in land;
- (b) registrable pursuant to any other Act or any Act of the Parliament of Canada; or
- (c) designated as a registrable interest in the regulations.

- (2) An interest is registrable against a title or an interest on which the interest is based.
- (3) An interest in another interest may be registered only against that other interest and not against a title.
- (4) Where an interest that supports another interest is exhausted or when the registration of that interest expires, lapses or is otherwise discharged from the land titles registry in accordance with this Act, any interest registered against the supporting interest is to be removed from the land titles registry.
- (5) No transfer may be registered as an interest.

Interests not registrable against uncertified mineral titles

51 No application for registration of an interest against an uncertified mineral title may be registered.

Application to register an interest

52(1) An application for registration of an interest must be made to the Registrar in the prescribed manner.

(2) Submission of an application for registration of an interest is deemed to be a declaration by the applicant that he or she has the authority to have the interest registered.

Interest registration

53(1) On receipt of an application for registration of an interest that meets the requirements of section 52, the Registrar shall register the interest.

(2) Where permitted by law, an interest registered pursuant to subsection (1) is subject to any interest based on a writ or maintenance order that is registered in the writ registry in accordance with Part XVIII where there is an exact match between:

- (a) the name of the debtor on the writ or maintenance order; and
- (b) the name of the interest holder on the interest registered pursuant to subsection (1).

Effect of interest registration

54(1) After an interest is registered and until that interest is exhausted or until the registration of that interest expires, lapses or is otherwise discharged from the land titles registry in accordance with this Act:

- (a) the title on which that interest is based and any title derived from that title remains subject to that interest; and
 - (b) any supporting interest on which that interest is based remains subject to that interest notwithstanding any assignment of the supporting interest.
- (2) Subject to subsections (5) and (7), registration of an interest constitutes notice of the interest to third parties and gives the interest holder priority over third parties in accordance with section 27.
- (3) Any interest registered pursuant to subsection 53(1) is only effective according to the terms of the instrument or law on which the interest is based and is not deemed to be valid through registration.

- (4) No registration of an interest is effective if:
 - (a) the application for registration of the interest was not eligible for submission pursuant to section 50; or
 - (b) the instrument on which the interest is based was not executed before the interest was registered.
- (5) With respect to registration of an interest mentioned in clause 50(1)(a) or (c), the notice and priority mentioned in subsection (2) apply only for the rights expressly:
 - (a) described in the application; or
 - (b) described in an attachment to the application.
- (6) Where an attachment is provided pursuant to clause (5)(b) or by an amendment to the registration, the attachment displaces the description of the interest in the application as notice of the interest to third parties from the time the attachment is provided in an application for registration.
- (7) The registration of an interest mentioned in clause 50(1)(b) is not effective unless any form prescribed pursuant to the Act or Act of the Parliament of Canada creating the interest is provided as an attachment to the application.
- (8) With respect to an interest mentioned in clause 50(1)(b), the notice and priority mentioned in subsection (2) is for the interest as described in the application to the extent that the interest is defined by the Act or Act of the Parliament of Canada, whether or not an attachment, other than the attachment mentioned in subsection (7), is provided.

Duration of interest registration

- 55(1)** Subject to subsection (2), registration of an interest is effective for the period indicated on the application for registration.
- (2) Registration of an interest pursuant to any Act or Act of the Parliament of Canada is effective for the period set out in that Act, if any.
 - (3) The Registrar shall discharge the registration of an interest where the registration has expired.

Renewal of interest registration

- 56(1)** A holder of a registered interest who wishes to renew the registration of that interest shall apply to the Registrar for a renewal in the prescribed manner at any time before the registration expires.
- (2) On receipt of an application pursuant to subsection (1), the Registrar shall register the renewal.
 - (3) On registration of the renewal:
 - (a) the period for which the original registration is effective is extended in accordance with the application for renewal; and
 - (b) the registered interest retains the priority of the original registration.

Disclosure of information by interest holder

57(1) In this section, “**interest holder**” includes the assignee of an interest, where the assignment has been registered in accordance with this Act.

(2) This section applies where the instrument on which an interest is based was not disclosed by way of an attachment to the application for registration of the interest.

(3) Any person may, by written demand, request the holder of an interest described in subsection (2) to provide a copy of the instrument on which the interest is based.

(4) The interest holder to whom the demand mentioned in subsection (3) is directed shall reply to a demand within 15 days after the demand is made.

(5) A person who makes a demand pursuant to subsection (3) may, in addition to any other remedy provided by this Act, apply to the court for an order requiring the interest holder to whom the demand is directed to comply with the demand where that interest holder, without reasonable excuse:

(a) fails to comply with the demand within the time specified in subsection (4);
or

(b) provides an incomplete or incorrect reply to the demand.

(6) Where the applicant pursuant to subsection (5) is the registered owner of a title or the holder of an interest against which an interest described in subsection (2) is registered, the court may make any or all of the following orders:

(a) an order requiring the interest holder to comply with the demand;

(b) any other order that the court considers necessary to ensure compliance with the demand;

(c) an order as to costs against an interest holder who refuses to comply with the demand;

(d) an order extending the time for complying with the demand.

(7) Where the applicant pursuant to subsection (5) is a person other than the registered owner of a title or the holder of an interest against which an interest described in subsection (2) is registered, the court may make any or all of the following orders:

(a) an order requiring the interest holder to disclose the instrument to the applicant, on any terms and conditions that the court considers appropriate;

(b) an order as to costs against an interest holder who refuses to comply with the demand;

(c) an order extending the time for complying with the demand;

(d) an order exempting the interest holder from disclosing the instrument where, in the opinion of the court, the applicant has failed to establish a legitimate legal concern in the disclosure of the instrument.

(8) In the event of non-compliance with an order of the court made pursuant to subsection (6) or (7), the court may make an order authorizing the person who made the demand to apply to the Registrar to discharge the registration of the interest.

DIVISION 2
Dealing with Interests

Authorization to deal with interests

58 An application for registration of an amendment, assignment or discharge of an interest, in whole or in part, must:

- (a) be made to the Registrar in the prescribed manner; and
- (b) be accompanied by the prescribed authorization.

Amendments to interest registration

59(1) An amendment to the registration of an interest may be effected by applying to the Registrar for registration of an amendment in the prescribed manner at any time during the period that the registration is effective.

(2) On receipt of an application that meets the requirements of subsection (1), the Registrar shall register the amendment.

(3) An amendment registered pursuant to subsection (2) is effective from the time the amendment is registered until the amended interest is exhausted or until the registration of the interest, as amended, expires, lapses or is otherwise discharged from the land titles registry in accordance with this Act.

Assignment of interest

60(1) Registration of an assignment of an interest may be effected by applying to the Registrar for registration of an assignment in the prescribed manner.

(2) On receipt of an application that meets the requirements of subsection (1), the Registrar shall register the assignment.

(3) For the purposes of this Act, on registration of an assignment pursuant to subsection (2), the assignee:

- (a) is entitled to the assigned interest, and the interest retains the same priority that it had immediately before the assignment was registered; and
- (b) has the same rights and responsibilities as if the assignee had been named as the interest holder in the original registration.

(4) Each interest assigned pursuant to this section must include and is subject to:

- (a) any interest that is registered against the assigned interest; and
- (b) any interest based on a writ or maintenance order that is registered in the writ registry in accordance with Part XVIII where there is an exact match between:
 - (i) the name of the debtor on the writ or maintenance order; and
 - (ii) the name of the interest holder on the assigned interest.

Priority on partial assignment

61 Where the ownership structure of a mortgage is changed pursuant to clause 34(4)(b) on the registration of a partial assignment, the ownership shares for the new interest created retain the priority of the original interest and rank equally as between each other, unless all the holders of ownership shares in the mortgage and in the new interest created otherwise agree.

Postponement

- 62(1)** For the purposes of this Act, an interest holder may agree to postpone his or her interest to the interest of another interest holder.
- (2) A postponement undertaken pursuant to subsection (1) is effective according to the terms of the agreement between the parties.
- (3) An application for registration of a postponement of an interest must be made to the Registrar in the prescribed manner.
- (4) On receipt of an application that meets the requirements of subsection (3), the Registrar shall register the postponement.

Lapsing

- 63(1)** The registration of an interest may only be lapsed as permitted in the regulations.
- (2) Where the registration of an interest has been lapsed in accordance with the regulations, the registration may be discharged on application to the Registrar in accordance with section 64.

Application to discharge interest registration

- 64(1)** An application for registration of a discharge of an interest may be made to the Registrar in the prescribed manner.
- (2) On receipt of an application that meets the requirements of subsection (1), the Registrar shall register the discharge.

Removal of interest registration on Crown direction

- 65(1)** Where the Crown considers it appropriate, the Crown may, in the prescribed manner, direct the Registrar to remove any registration of an interest against a title held by the Crown.
- (2) Removal of a registration of an interest by the Registrar pursuant to subsection (1) does not extinguish any contractual rights that the party who registered the interest may have.

Requirement of interest holder to discharge interest registration

- 66** An interest holder, or any other person required or authorized by law to do so, shall apply to the Registrar for a discharge of an interest not later than 30 days after:
- (a) all of the obligations pursuant to an instrument, an Act or an Act of the Parliament of Canada on which the interest is based have been performed; or
- (b) the interest has ceased to exist by operation of law.

Exhausted interests

- 67(1)** The Registrar may discharge the registration of an interest where the interest, in accordance with the regulations, has been exhausted.
- (2) A discharge pursuant to this section must be made in the prescribed manner.

Improper or invalid registration

- 68(1)** Any person who alleges that an interest was improperly registered by a person who lacked the authority to do so or that a registered interest is invalid may apply for a discharge of the registration to:
- (a) the Registrar pursuant to section 101; or
- (b) the court pursuant to section 107.

- (2) Subject to subsection (4), the applicant who submitted the interest for registration is liable to any person who sustains loss as a result of an improper registration of an interest.
- (3) Subject to subsection (4), an interest holder is liable to any person who sustains a loss as a result of the initial registration of an interest or its continuance if, pursuant to section 101 or 107, the Registrar or the court finds that:
- (a) the registration was not discharged after written demand for discharge was made by a person adversely affected by the registration; and
 - (b) the interest registered was not valid or its continuance was not justified.
- (4) An applicant or interest holder is not liable pursuant to subsection (2) or (3) if the Registrar or the court finds that the initial registration of the interest or its continuance was reasonably justified under the circumstances.

PART IX

Abstract Directory of Unpatented Land

Interpretation of Parts IX and X

69(1) In this Part:

- (a) **“filing”** means entering a document in the abstract directory;
 - (b) **“unpatented land”** means:
 - (i) land for which no letters patent have issued from the Crown;
 - (ii) land for which no Crown grant has been issued; or
 - (iii) land that has not otherwise been conveyed from the Crown.
- (2) In this Part and in Part X, **“Crown”** means the Crown in right of Canada or Saskatchewan, as the case may be.

Abstract directory established

70(1) The abstract directory is established for the purpose of recording information respecting unpatented land.

- (2) All registrations or filings permitted against unpatented land pursuant to a former Act that were in existence on the day before the coming into force of section 1 of this Act are continued in and form part of the abstract directory and are deemed to have been filed in the abstract directory pursuant to this Part.
- (3) The abstract directory is governed only by the rules established in this Part and the regulations and by any rules established by the Registrar.
- (4) The abstract directory is provided as an information service only, with no guarantee or liability with respect to that information on the part of the Crown in right of Saskatchewan, the corporation, the minister, the Registrar, any Deputy Registrar, or any other officer or employee of the corporation.
- (5) The Registrar may make any alteration to information in the abstract directory that the Registrar considers appropriate.

Filing interests

71(1) An application to file an interest in the abstract directory may be made to the Registrar in the prescribed manner.

(2) On receipt of an application that meets the requirements of subsection (1), the Registrar shall:

- (a) file the interest in the abstract directory; or
- (b) refuse to file the interest where, in the opinion of the Registrar, the interest is not fit for filing or the application does not comply with this Part or the regulations or any other Act or law pursuant to which filing of the interest is authorized.

(3) The filing of an interest does not relieve the applicant from complying with any requirements regarding the interest imposed pursuant to any other Act or law.

Effect of filing

72 The filing of an interest in the abstract directory constitutes notice to third parties of the interest.

Cancellation of filed interest

73(1) Where the Crown in right of Saskatchewan considers it appropriate, the Crown in right of Saskatchewan may, in the prescribed manner, direct the Registrar to remove any interest filed in the abstract directory.

(2) Removal of an interest by the Registrar pursuant to subsection (1) does not extinguish any contractual rights of the party who filed the interest.

Registration of filed interest in land titles registry

74(1) On issuance of first title pursuant to an application made pursuant to Part X, the Registrar shall immediately register, as an interest against the title or another interest, any interest filed in the abstract directory that relates to that title or other interest.

(2) An interest mentioned in subsection (1) is to be registered:

- (a) in the prescribed manner; and
- (b) in the order in which the interest was filed in the abstract directory.

(3) Every interest registered pursuant to this section has priority as against other registered interests in accordance with Part VIII.

PART X
Crown Grants

Application for issuance of first title

75(1) An application for issuance of first title may be made to the Registrar in the prescribed manner with respect to land in Saskatchewan that is:

- (a) granted by the Crown;
- (b) the subject of a notification to the Hudson's Bay Company from the minister responsible for the administration of *The Provincial Lands Act* of a survey and confirmation of the survey of any township or part of a township;

(c) the subject of a notification from the minister responsible for the administration of *The Provincial Lands Act* that land described in the notice has been granted to the Canadian Pacific Railway Company, or to any railway company entitled to provincial land pursuant to the authority of an Act or an Act of the Parliament of Canada; or

(d) the subject of letters patent issued from the Crown before January 1, 1887 or that otherwise passed from the Crown before that date.

(2) The Registrar shall not issue first title for the land mentioned in subsection (1) unless the land is shown as a parcel on a plan approved pursuant to *The Land Surveys Act, 2000*.

(3) Where an application for issuance of first title is made with respect to a parcel, including land mentioned in clause (1)(c), no title shall issue until the applicant has followed the prescribed procedures.

Crown application for first title

76(1) Where the Crown owns land in Saskatchewan for which no title has issued, the Crown may apply to the Registrar, in the prescribed manner, to have first title issued.

(2) The Registrar shall not issue first title for the land mentioned in subsection (1) unless the land is shown as a parcel on a plan approved pursuant to *The Land Surveys Act, 2000*.

(3) Where the Registrar issues first title in response to an application pursuant to subsection (1), the application is for all purposes deemed to be a grant of land.

(4) Any land for which first title has issued pursuant to this section is deemed to have had title issued pursuant to a Crown grant.

PART XI

Land Titles Registry Information

DIVISION 1

Status

Status of land titles registry and abstract directory

77(1) The land titles registry and the abstract directory are public registries of the people of Saskatchewan.

(2) All information in the land titles registry and the abstract directory is the property of the Government of Saskatchewan.

(3) Access to and disclosure of information in the land titles registry and the abstract directory is to be provided only in accordance with this Act and the regulations.

DIVISION 2
Searches of the Land Titles Registry

Searches

78(1) Any person may request a search of the land titles registry in the prescribed manner.

(2) The Registrar shall respond in the prescribed manner to a request made pursuant to subsection (1).

Search results

79(1) Any printed search result that is provided by the land titles registry in the prescribed manner is admissible as proof, in the absence of evidence to the contrary, of the contents of the results, including the priority of registration as indicated by the time of registration.

(2) A printed title provided by the Registrar in the prescribed manner is admissible in evidence as conclusive proof of:

(a) ownership of the surface parcel, mineral commodity or condominium unit referenced in the title by the person or persons named in the title; and

(b) the type of ownership and the ownership share of each person named in the title.

(3) Notwithstanding subsection (1), the Registrar may designate a printed search result provided pursuant to this section to be for information purposes only.

DIVISION 3
Documents and Evidence

Recording of documents

80(1) In the case of a document mentioned in subsection 4(2), the Registrar may have the document recorded and stored electronically in the land titles registry in order to keep a permanent record of the document.

(2) Subject to subsection (3), a printout of a document recorded and stored pursuant to subsection (1):

(a) is admissible in evidence in all cases and for all purposes for which the document would have been admissible and with the same effect as if the document were produced;

(b) is admissible as proof, in the absence of evidence to the contrary, of the execution of the document according to the purport of the printout of the document; and

(c) is admissible as proof, in the absence of evidence to the contrary, of the time when the document was registered.

(3) Subsection (2) applies only if the printout is printed in accordance with the regulations.

(4) Where a document exists in microfilm form in the land titles registry as at a prescribed date, an image produced from the microfilm form is admissible in evidence in all cases and for all purposes for which the original document would have been admissible and with the same effect as if the original document were produced.

Original document not required

81(1) Unless otherwise prescribed, the Registrar does not require an original document for the purposes of effecting a registration pursuant to this Act.

(2) In order to keep a permanent record of a document submitted to the Registrar for registration or provided with an application for registration, the Registrar may record and store the document electronically.

(3) The Registrar may receive and register a document that is in a prescribed electronic format and that is submitted for registration by prescribed electronic means to the Registrar.

(4) Subject to subsection (5), a printout of a document recorded and stored in the land titles registry pursuant to this section:

(a) is admissible as proof, in the absence of evidence to the contrary, in all cases and for all purposes for which the document would have been admissible and with the same effect as if the document were produced; and

(b) is admissible as proof, in the absence of evidence to the contrary, of the time when the document was registered.

(5) Subsection (4) applies only if the printout is printed in accordance with the regulations.

Certified copies

82(1) A copy of a printed document in the land titles registry that is certified by the Registrar in the prescribed manner is admissible in evidence as a true copy of the document without proof of the signature or official position of the Registrar.

(2) A printout of a document recorded and stored in the land titles registry is admissible in evidence as a true copy of the document without proof of the signature or official position of the Registrar if the printout is:

(a) printed in accordance with the regulations; and

(b) certified by the Registrar in the prescribed manner.

(3) Every document certified by the Registrar in accordance with subsection (1) or (2) is admissible in evidence in all cases and for all purposes for which the document would have been admissible and with the same effect as if the document were produced.

DIVISION 4
Document Destruction

Destruction of documents by Registrar

83(1) Where the Registrar has received a document in printed form for registration and has recorded and stored the document electronically pursuant to Division 3, the Registrar may:

- (a) maintain and deal with the electronic version for the purpose of keeping a permanent record of the document; and
 - (b) destroy the printed form of the document in the prescribed manner.
- (2) Subsection (1) applies, with any necessary modification, to documents in the printed form that exist in the land titles registry as at the prescribed date.

PART XII
Assurance and Compensation

Claims for compensation

84(1) In this section, “**invalid transfer**” means any registration that results in the issuance of a new title in the name of a new registered owner where the application for registration was based on a transaction not authorized at law.

(2) Subject to the exclusions mentioned in sections 85 and 86, any person who sustains loss, damage or deprivation in any of the following circumstances is entitled to make a claim for compensation pursuant to this Part:

- (a) where a registration made by the Registrar was not authorized by this Act;
- (b) where the Registrar has omitted to make a registration as required by this Act;
- (c) where the Registrar has made any other error or omission not mentioned in clause (a) or (b);
- (d) where a former registered owner has been deprived of title through the registration of an invalid transfer and that former registered owner is prohibited by section 15 from bringing an action of ejectment or other action to obtain or recover land;
- (e) where a registered owner has been divested of title by the operation of clause 15(1)(c) and section 16;
- (f) where a former registered owner recovers land in an action brought pursuant to subsection 15(3) and the title recovered includes an interest that was not registered against the prior title of that former registered owner.

Exclusions from compensation

85 Compensation is not payable with respect to loss, damage or deprivation:

- (a) suffered by a person who knowingly participates or colludes in a fraud;
- (b) occasioned by a registered owner’s breach of any trust whether express, implied or constructive;
- (c) by reason of the improper use of the seal of a body corporate;

- (d) by reason of the lack of capacity or lack of authority in a body corporate to deal with the title or interest involved or to execute or take the benefit of the registration;
- (e) by reason of a registration authorized on behalf of a body corporate by a person who lacks capacity to apply for registration on behalf of the body corporate;
- (f) occasioned by the failure of the Registrar to register an interest based on a writ or a maintenance order against a title of any registered owner or against an interest of any interest holder under a name that is different in any way from the name by which he or she is described in the writ or maintenance order;
- (g) occasioned by the registration by the Registrar of an interest based on a writ or a maintenance order against a title owned or interest held by a person who is not the person named in the writ or maintenance order;
- (h) occasioned by the failure of the Registrar to ensure compliance with any requirement set out in Part XVII or in any other Act or law with respect to the registration of an interest;
- (i) occasioned by the failure of the Registrar to ensure compliance with any requirement set out in any other Act with respect to a transfer or the discharge, amendment, assignment or postponement of an interest;
- (j) occasioned by the registration of a transfer or the registration of an interest by a person who has not been properly appointed by a power of attorney or who does not have authority under a power of attorney;
- (k) occasioned by a correction or registration by the Registrar in accordance with sections 97, 99 and 101;
- (l) related to a boundary problem or an allegation that title is for a parcel or condominium unit with boundaries or an extent or area other than what was assumed or understood by the registered owner; or
- (m) in any case in which the same land has been included in two or more Crown grants.

Exclusions from compensation re minerals

86 Compensation is not payable with respect to loss, damage or deprivation arising from:

- (a) a transfer or the registration of an interest on or after June 1, 1951 but before the coming into force of section 1 of this Act against an uncertified mineral title;
- (b) the registration of an interest before the coming into force of section 1 of this Act by way of a caveat against an uncertified mineral title;

(c) a transfer of mines and minerals or the registration of an interest respecting mines and minerals against a title for the surface of land, including mines and minerals where a mineral certificate had not been issued, where the transfer or the registration of the interest occurred:

- (i) on or after June 1, 1951; but
- (ii) before the coming into force of section 1 of this Act; or

(d) a transfer to or the registration of an interest in favour of the Crown before the coming into force of section 1 of this Act respecting an uncertified mineral title.

Amount of compensation

87(1) The amount of compensation for loss of all or a portion of a title must not exceed the lesser of:

- (a) the actual amount of the loss suffered; and
- (b) the value of the title.

(2) The amount of compensation for loss of an interest must not exceed the lesser of:

- (a) the actual amount of the loss suffered; and
- (b) the value of the title or interest against which the interest is registered.

(3) The amount of compensation where the priority of an interest is subordinated to another interest must not exceed the reduction in the value of the interest.

(4) In the case of a former registered owner who recovers title in an action brought pursuant to subsection 15(3), the compensation for that former registered owner must not exceed the value of the interests that:

- (a) were not registered against the prior title of that former registered owner; and
- (b) were registered before the former registered owner recovered title.

(5) For any loss, other than a loss described in subsections (1) to (4), the compensation must not exceed the actual amount of the loss suffered.

(6) The Registrar may require an independent appraisal with respect to the determination of value of a parcel, a title or an interest or to quantify other losses pursuant to this section.

Limitation period

88 No claim for compensation may be made after six years from the time that the person suffering the loss knows or ought to have known of the loss sustained.

Process to claim compensation

89(1) Any claim for compensation pursuant to this Part must be submitted to the Registrar.

- (2) On receipt of a claim for compensation, the Registrar may:
- (a) enter into an agreement with the claimant for payment of compensation where, in the opinion of the Registrar, the claimant is entitled to compensation; or
 - (b) deny the claim where, in the opinion of the Registrar, compensation is not payable pursuant to this Part.

Agreement for compensation

90(1) Where the Registrar enters into an agreement with a claimant pursuant to a claim for compensation or an action brought pursuant to this Act, the agreement may provide for payment to the claimant of:

- (a) compensation;
 - (b) reasonable expenses of bringing the claim; and
 - (c) interest on the amount of compensation from the date that the Registrar receives the claim at the rate established pursuant to *The Pre-judgment Interest Act*.
- (2) Where an agreement is entered into pursuant to subsection (1):
- (a) for compensation relating to an incident that occurred before the coming into force of section 1 of this Act, the Registrar must certify to the Minister of Finance that the claimant is entitled to compensation, expenses and interest as set forth in the agreement;
 - (b) for compensation relating to an incident that occurred after the coming into force of section 1 of this Act, the Registrar must certify to the corporation that the claimant is entitled to compensation, expenses and interest as set forth in the agreement;
 - (c) the claimant's claim for compensation pursuant to this Part is deemed to be fully satisfied; and
 - (d) the claimant is entitled to receive the compensation, expenses and interest provided for in the agreement.
- (3) Before entering into an agreement pursuant to subsection (1), where compensation, including expenses and interest, is to exceed the prescribed amount, the Registrar shall obtain:
- (a) the approval of the Minister of Justice, where the incident giving rise to compensation occurred before the coming into force of section 1 of this Act; or
 - (b) the approval of the minister responsible for the corporation, where the incident giving rise to compensation occurred after the coming into force of section 1 of this Act.

Action for compensation

91(1) Subject to section 95, any action respecting a claim for compensation must be brought against the Registrar as defendant.

(2) No person may bring an action against the Registrar respecting a claim for compensation unless:

(a) the Registrar has denied the claim for compensation pursuant to clause 89(2)(b); or

(b) an offer of compensation from the Registrar has been made and the person has refused to enter into an agreement for compensation pursuant to section 90.

Judgment for compensation

92(1) In any action respecting a claim for compensation, the court may give judgment:

(a) declaring that the person is entitled to compensation; and

(b) subject to subsection (2), determining the amount of:

(i) compensation;

(ii) reasonable expenses of bringing the action; and

(iii) interest pursuant to *The Pre-judgment Interest Act* from the date that the Registrar received the claim.

(2) Any judgment for compensation made pursuant to subclause (1)(b)(i) must not exceed the amount of compensation allowed pursuant to section 87.

Payment of compensation

93(1) With respect to compensation relating to an incident that occurred before the coming into force of section 1 of this Act, the Minister of Finance, on receipt of either of the following documents, shall pay to the person to be compensated the amount of any compensation, expenses, costs and interest stipulated in the document:

(a) a certificate of the Registrar pursuant to clause 90(2)(a);

(b) a judgment of the court pursuant to section 92.

(2) The amount mentioned in subsection (1) is a charge on and is payable out of the general revenue fund.

(3) With respect to compensation relating to an incident that occurred after the coming into force of section 1 of this Act, the corporation, on receipt of one of the following documents, shall pay to the person to be compensated the amount of any compensation, expenses, costs and interest stipulated in the document:

(a) a certificate of the Registrar pursuant to clause 90(2)(b);

(b) a judgment of the court pursuant to section 92.

(4) The amount mentioned in subsection (3) is a charge on and is payable by the corporation.

Subrogation of Registrar

94 Where compensation is paid to a person pursuant to section 93, the Registrar is subrogated to that person's rights and can recover the amount of compensation from the person responsible for the loss or from that person's insurer or, where the wrongdoer is deceased or bankrupt or insolvent, from that person's estate.

Right of plaintiff to bring action against third party

95(1) Any person who sustains a loss or damage with respect to a matter governed by this Act may bring an action against a person responsible for the loss other than the Registrar.

(2) A person who brings an action pursuant to subsection (1) must notify the Registrar of the action, in writing, at the time the action is commenced.

(3) The Registrar may apply to the court to be joined as a party in any action commenced pursuant to subsection (1).

Loss of claim

96 No person shall claim compensation from the Registrar pursuant to this Part if the person has:

- (a) obtained judgment with respect to the loss or damage against a defendant where notice was not given to the Registrar; or
- (b) where notice has been given to the Registrar, settled the action with the defendant without the approval of the Registrar.

PART XIII Powers of the Registrar

Correction of registrations

97(1) The Registrar may correct any error or omission made in the land titles registry if it appears to the Registrar that:

- (a) a title has been issued in error or contains an incorrect or incomplete description;
- (b) a registration contains an incorrect or incomplete description; or
- (c) any other prescribed circumstance exists.

(2) A correction may be made pursuant to subsection (1) in any manner that the Registrar considers appropriate, so far as is practicable without prejudicing rights obtained in good faith for value.

(3) In correcting an error or omission pursuant to this section, the Registrar shall record the correction in the land titles registry.

(4) Every correction made pursuant to this section has the same validity and effect as if the error or omission had not occurred.

(5) Before correcting an error or omission pursuant to this section, the Registrar may provide notice to any person that the Registrar considers may be interested in or affected by the correction.

Suspension of land titles registry functions

98(1) Notwithstanding any other provision of this Act, any regulation made pursuant to this Act, or any other Act providing for registration in the land titles registry, where, in the opinion of the Registrar, it is not practical to provide one or more land titles registry functions, the Registrar may, by order, suspend all or any land titles registry functions for the period during which, in the opinion of the Registrar, those circumstances prevail.

- (2) An order of the Registrar made pursuant to subsection (1):
 - (a) is to identify the land titles registry functions that are being suspended and the time that the land titles registry functions are suspended;
 - (b) is to be published in the Gazette as soon as is reasonably possible after it is made; and
 - (c) may suspend land titles registry functions as at a date not more than 30 days before the day on which the order is made.
- (3) The Registrar may, by order, recommence all or any suspended land titles registry functions effective as at any time the Registrar considers appropriate.
- (4) An order of the Registrar made pursuant to subsection (3):
 - (a) is to identify the land titles registry functions that are being recommenced and the time that the land titles registry functions are recommenced; and
 - (b) is to be published in the Gazette as soon as is reasonably possible after it is made.
- (5) Subject to subsection (6), an order made pursuant to this section comes into force on the day on which it is made.
- (6) In the case of an order that suspends land titles registry functions as at a date before the order is made, the order may be made retroactive to a date not more than 30 days before the day on which the order is made and, in that case, the order is deemed to have been in force on and from that date.
- (7) The Registrar shall take any steps the Registrar considers necessary to bring an order of the Registrar pursuant to this section to the attention of the public.
- (8) If there is any conflict between an order of the Registrar pursuant to this section and a provision of this Act, the regulations, other than regulations made pursuant to clause 187(1)(u), or any other Act or law, the order of the Registrar prevails.

Registrar's prohibitions

99(1) The Registrar may:

- (a) on behalf of the Crown in right of Canada or Saskatchewan, prohibit a transfer, or the registration of any interest against a title or an interest, belonging or supposedly belonging to the Crown in right of Canada or Saskatchewan; or

- (b) prohibit a transfer or the registration of any interest against a title or an interest:
 - (i) where it appears to the Registrar that an error has been made in the land titles registry;
 - (ii) where it appears necessary to the Registrar to prevent:
 - (A) improper dealing; or
 - (B) threatened or apprehended fraud; or
 - (iii) where the Registrar considers it necessary to protect the proper operation of the land titles registry.
- (2) Where the Registrar imposes a prohibition pursuant to subsection (1), the Registrar shall record the prohibition in the land titles registry in the prescribed manner.
- (3) The Registrar may, at any time, withdraw a prohibition made by the Registrar pursuant to this section.
- (4) Notwithstanding subsection (1), where the Registrar imposes a prohibition pursuant to subsection (1), the Registrar may indicate whether any subsequent registrations will be permitted against the title or interest affected.
- (5) Where a subsequent registration is not permitted pursuant to subsection (4) but appears in the land titles registry, the subsequent registration is invalid.

Power to give effect to certain statutory proceedings

- 100(1)** The Registrar may effect a registration of a transfer or an assignment of an interest where:
- (a) any title or interest becomes vested in any other person by virtue of any Act or Act of the Parliament of Canada; or
 - (b) any title or interest becomes vested in any other person by virtue of any proceedings pursuant to any Act or Act of the Parliament of Canada.
- (2) Before effecting a registration pursuant to subsection (1), the Registrar may require proof of compliance with any requirements set out in the Act or the Act of the Parliament of Canada pursuant to which the person vested with the title or interest is subject.

Reference to Registrar

- 101(1)** Any person may submit a question to the Registrar for a decision with respect to the operation of:
- (a) the land titles registry; or
 - (b) this Act or the regulations.
- (2) A submission pursuant to this section must be made in the prescribed manner.

- (3) On receipt of a submission pursuant to this section, the Registrar may:
 - (a) accept the submission;
 - (b) refuse to accept the submission;
 - (c) refer the question to the court in accordance with section 108;
 - (d) direct the interested parties to proceed to court for resolution of the question; or
 - (e) refer the interested parties to mediation or arbitration.
- (4) In dealing with a submission pursuant to this section, the Registrar may allow any interested parties to appear before the Registrar with or without counsel.
- (5) The Registrar has the powers of a commissioner pursuant to *The Public Inquiries Act* for the purposes of dealing with a submission pursuant to this section.
- (6) On receipt of a submission pursuant to this section, the Registrar shall decide the question and effect any registration in the land titles registry that the Registrar considers just under the circumstances.
- (7) If the Registrar refers the interested parties to mediation or arbitration pursuant to clause (3)(e), the Registrar shall take no further action with respect to the submission during the mediation or arbitration.

General power to permit registrations

102 Notwithstanding the requirements of this Act or the regulations, where it is consistent with the purposes and intent of this Act, the Registrar may permit any registration.

Restriction of access

103 If the Registrar is satisfied that a person has contravened a provision of this Act or the regulations, the Registrar may make an order restricting that person's access to the land titles registry on any terms and conditions that the Registrar considers appropriate.

Administration of oaths

104 The Registrar or any Deputy Registrar may administer any oath or take any affirmation or declaration in lieu of an oath from any person entitled by law to affirm or declare.

Registrar may apply for directions

105(1) The Registrar may apply to the court for directions with respect to any of the Registrar's responsibilities that arise out of a court order.

(2) On an application pursuant to this section, the court may give any directions that the court thinks fit.

Where original document cannot be read

106(1) Where a document is lost or cannot be read, the Registrar may use whatever evidence is available to reconstruct the document.

(2) Where a document is reconstructed pursuant to subsection (1), the new document, as reconstructed:

(a) is deemed to be the original document for the purposes of the land titles registry; and

(b) is admissible as proof, in the absence of evidence to the contrary, for all purposes for which the original document would have been admissible and with the same effect as if the original document were produced.

PART XIV
Powers of the Court

Application to court

107 Any person may apply to the court for an order with respect to:

(a) the operation of:

(i) the land titles registry; or

(ii) this Act or the regulations;

(b) any decision of the Registrar with respect to any action that the Registrar is required or authorized to take pursuant to this Act; or

(c) any order, decision or correction of the Registrar pursuant to section 101, 169 or 202.

Reference by Registrar to court

108(1) The Registrar may refer a question to the court for a decision with respect to the operation of:

(a) the land titles registry; or

(b) this Act or the regulations.

(2) A reference pursuant to subsection (1) may be made without notice.

(3) On receipt of a reference from the Registrar pursuant to this section, the court may:

(a) appoint a time for the hearing of the reference; and

(b) direct that notice be served on any persons whom the court considers interested, or whose attendance the court requires, in relation to the reference.

(4) The court shall decide the question or direct that proceedings be commenced for the purposes of deciding the question.

(5) In deciding a question pursuant to this section, the court may direct the Registrar to make any registration in the land titles registry that the court considers just under the circumstances.

General jurisdiction of court

109(1) In any proceeding pursuant to this Part, the court may make any order the court considers appropriate, and in so doing may direct the Registrar to, or authorize any person to apply to the Registrar to:

- (a) register, discharge, amend, postpone or assign an interest; or
- (b) transfer title or make changes to a title.

(2) The court may seek assistance from the Registrar in any proceeding pursuant to this Part.

Registration of judgment required

110 Unless an order of the court pursuant to this Part expressly states otherwise, a court order must be registered in the land titles registry for the order to be given any effect.

Appeal to Court of Appeal

111 The Registrar or any interested party may appeal a decision or order of the court to the Court of Appeal, on a question of law, within 30 days after the date of the decision or order.

Application for stay

112(1) The commencement of an appeal pursuant to section 111 does not stay the effect of the decision or order appealed from, but on five days' notice, the appellant may apply to the Court of Appeal for a stay of the decision or order pending the disposition of the appeal.

(2) The notice period mentioned in subsection (1) may be reduced on application to the Court of Appeal.

PART XV
Service of Documents

Service

113(1) Any document to be served pursuant to this Act or the regulations, or in any proceeding or matter under the jurisdiction of the Registrar, may be served:

- (a) by personal service made:
 - (i) in the case of an individual, on that individual;
 - (ii) in the case of a partnership, on any partner; or
 - (iii) in the case of a body corporate, on any officer or director of the body corporate; or
- (b) by any other prescribed means.

(2) A document required to be served on the Registrar may be served in the prescribed manner:

- (a) by leaving the document at the office of the Registrar; or
- (b) by any other prescribed means.

(3) Service of a document by any prescribed means is to be proved in the prescribed manner.

(4) Any person entitled to be served with a document may at any time waive, in writing, service of the document.

Notice of change of address for service

114(1) Where the address for service of a registered owner or interest holder changes, the registered owner or interest holder, as the case may be, shall submit to the Registrar a change of address for service, in the prescribed manner.

(2) On receipt of a change of address for service, the Registrar shall accordingly amend the land titles registry record identified in the notice.

Substituted service and service outside Saskatchewan

115(1) Subject to subsection (2), where this Act directs that any interested person is to be served and that person is not within Saskatchewan or cannot be found so as to be served pursuant to section 113, the court may direct:

(a) that the person is to be served by substituted service within or outside Saskatchewan in any manner that the court considers appropriate; or

(b) that any notice be published in the manner that the court may direct, and publication of that notice is deemed to be sufficient service.

(2) In the case of any proceeding before the Registrar where this Act or the Registrar directs that any interested person is to be served and that person is not within Saskatchewan or cannot be found so as to be served pursuant to section 113, the Registrar may direct:

(a) that the person is to be served by substituted service within or outside Saskatchewan in any manner that the Registrar considers appropriate; or

(b) that any notice be published in the manner that the Registrar may direct, and publication of that notice is deemed to be sufficient service.

(3) If the person to be served is dead and has no legal representative, the document may be served:

(a) on the Public Trustee, together with the required fee; or

(b) on the request of the spouse of the deceased or any named member of the deceased's family, to either or both of the spouse and the named member.

(4) Where a body corporate to be served has been struck off a register respecting that body corporate or is dissolved, the document may be served on any person appearing in the register to have been, at the time the body corporate was struck or at the time it was dissolved, president, secretary, treasurer or other officer or a director of the body corporate.

(5) Where a document is served pursuant to a court order, a copy of the order must accompany the document being served.

Delivery of documents

116 In the case of any document that is to be delivered but that is not required to be formally served pursuant to this Act or the regulations, the document is deemed to be sufficiently delivered to a person if sent to that person's last address:

- (a) as recorded in the land titles registry; or
- (b) in the case of a condominium corporation, as recorded in the registry established pursuant to *The Condominium Property Act, 1993*.

PART XVI
General

Offences

117(1) No person shall:

- (a) make a false or misleading statement in any application or in any proceeding pursuant to this Act or the regulations;
 - (b) seek unauthorized access to or falsify any document of the land titles registry, the writ registry or the abstract directory; or
 - (c) contravene any other provision of this Act or the regulations.
- (2) Every person who contravenes a provision of this Act is guilty of an offence and liable on summary conviction to:
- (a) in the case of an individual, a fine not exceeding \$5,000, to imprisonment for a term not exceeding six months or to both;
 - (b) in the case of a body corporate, a fine not exceeding \$10,000.
- (3) If a body corporate commits an offence pursuant to this Act, any officer or director of the body corporate who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and liable on summary conviction to the penalties mentioned in this section whether or not the body corporate has been prosecuted or convicted.
- (4) No prosecution for a contravention of this Act is to be commenced more than one year after the date the facts on which the alleged contravention is based first come to the knowledge of the Registrar.

Fees

118(1) Subject to the approval of the Lieutenant Governor in Council, the corporation shall determine:

- (a) the fees, charges and taxes payable with respect to all land titles registry functions; and
 - (b) the method of payment of those fees, charges and taxes.
- (2) The Registrar is not required to perform any land titles registry function until the appropriate fee, charge or tax is paid or arrangements for its payment are made.
- (3) Where the Registrar considers it appropriate or necessary, the Registrar may waive any fees, charges or taxes or refund any fees, charges or taxes.

(4) All revenues derived from fees, charges or taxes imposed or collected pursuant to this Act are to be paid to and are the property of the corporation, unless the Lieutenant Governor in Council directs that all or any of the revenues be paid to the general revenue fund.

Act prevails

119 Unless another Act expressly states otherwise, if any provision of this Act or the regulations made pursuant to this Act conflicts with any other Act, regulations or law, the provision of this Act or the regulations prevails.

Crown bound

120 The Crown is bound by this Act.

Calculation of time

121(1) Notwithstanding *The Interpretation Act, 1995*, where any Act or regulations prescribe a time for applying for registration of a transfer or for registration of an interest pursuant to this Act and that time expires or falls on a day other than a business day or holiday, the time is not extended to include, and the application may not be made on, the next business day.

(2) Notwithstanding *The Interpretation Act, 1995*, where in any Act or regulations a time is prescribed for applying for registration of a transfer or for registration of an interest pursuant to this Act and that time expires or falls during a suspension of land titles registry functions or within five days after the recommencement of land titles registry functions, the time is extended for, and the application may be made within, an additional 10 days after the recommencement of land titles registry functions.

(3) The Lieutenant Governor in Council may prescribe a method of setting or extending the time to effect the following:

- (a) a registration or an amendment to, or a renewal or discharge of, a registration pursuant to this Act;
- (b) a registration or an amendment to, or a renewal or discharge of, a registration that is created or that is required or permitted to be registered in the land titles registry pursuant to any other Act or law.

Immunity

122(1) Except as otherwise provided in this Act, no action or proceeding lies or shall be instituted against the Crown, the minister, the corporation, the Registrar, a Deputy Registrar, or any employee of the corporation where that person is acting pursuant to the authority of this Act or the regulations, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any responsibility imposed by this Act or the regulations.

(2) A decision made by any person mentioned in subsection (1) in the exercise of a discretionary power given to that person pursuant to this Act to do or not to do a thing does not constitute negligence.

PART XVII
Statements of Law

DIVISION 1
Mortgages and Agreements for Sale

Mortgage not to operate as transfer

123 A mortgage has effect as security but does not operate as a transfer of the land charged.

Acceleration clause

124(1) In this section, “**acceleration clause**” means a clause in a mortgage or an agreement for sale of land or any agreement regarding either of them that stipulates that, if default is made in the payment of money due pursuant to the mortgage or agreement or in the observance of a covenant contained in the mortgage or agreement, the payment of other portions of the principal money is accelerated.

(2) An acceleration clause does not apply to any subsequent agreement as to due dates unless expressly stated in the subsequent agreement.

Assignment in lieu of discharge

125(1) Notwithstanding section 66, when a mortgagor is entitled to redeem, the mortgagor may require the mortgagee, instead of giving a discharge, to assign the mortgage to a third party named by the mortgagor.

(2) When any person other than the mortgagor is interested in the land covered by a mortgage and is entitled to redeem, that person may require the mortgagee, instead of giving a discharge, to assign the mortgage to him or her.

Charge on a mortgage

126 If a mortgagee charges his or her interest in a mortgage, the person in whose favour the charge is created:

- (a) is deemed to be the assignee of the interest; and
- (b) has all rights and powers of an assignee, subject to the provisos and conditions expressed or implied in the instrument creating the charge.

Assignment of part of sum secured

127(1) A mortgagee may assign a part of the sum secured by the mortgage.

(2) The part of the sum assigned pursuant to subsection (1) continues to be secured by the mortgage.

Mortgage to secure purchase price of personal property

128(1) Notwithstanding anything in any Act to the contrary but subject to subsections (2) to (5), a mortgage or any other instrument is void if it:

- (a) affects land by way of charge, lien or encumbrance given to secure the payment of all or part of the purchase price of personal property; and
- (b) is executed within six months after the delivery to the purchaser of all or part of the personal property.

(2) Subsection (1) does not apply to instruments given to secure payment of all or part of the purchase price of goods, wares or merchandise or fixtures sold or to be sold:

(a) to a retail merchant, contractor or builder in the course of his or her business; or

(b) to enable any person to enter into and carry on business as a retail merchant, contractor or builder.

(3) Subsection (1) does not apply to instruments given to secure the whole or a part of the purchase price of the land charged when sold with personal property on an entire consideration.

(4) Subsection (1) does not apply to an instrument given to secure payment of all or part:

(a) of the purchase price of a prefabricated house, building or structure to be placed or built on the land to be affected by the instrument; or

(b) of building materials and fixtures to be used for repairing or constructing a house, building or structure situated on or to be constructed on the land to be affected by the instrument.

(5) Subsection (1) does not apply to any agreement entered into by a municipality to protect an advance with respect to seed grain or supplies.

Mortgage provisions

129(1) Every mortgage must contain:

(a) an accurate statement of the estate or interest intended to be mortgaged; and

(b) a description:

(i) of the land for which title has issued and pursuant to which the estate or interest is held; or

(ii) that otherwise identifies the land.

(2) When a mortgage is given as security against a future or contingent liability, it must set forth by recital or otherwise the nature and extent of the liability and the conditions or contingencies on which it is to accrue.

Shortform mortgage

130(1) Any mortgage may refer to the prescribed shortform covenants, and those shortform covenants may be identified in the prescribed manner.

(2) When shortform covenants are used in the manner set out in subsection (1), the mortgage has the same effect and is to be interpreted as if the shortform covenants had been inserted in the mortgage.

(3) A mortgage using shortform covenants in the manner set out in subsection (1) may contain, either in the mortgage instrument or annexed to it, any exceptions to or qualifications of the shortform covenants.

(4) When shortform covenants are used in the manner set out in subsection (1), the shortform covenants bind the mortgagor and the mortgagee.

Discharge of mortgage

131 After a discharge of a mortgage is registered, the mortgage is not enforceable against the land, whether or not the obligation under the mortgage continues to exist.

Proceedings to foreclose, redeem, etc.

132(1) Proceedings may be brought in the court:

- (a) to enforce payment of moneys secured by a mortgage;
- (b) to enforce the observance of the covenants, agreements, stipulations or conditions contained in a mortgage;
- (c) to sell the land mortgaged;
- (d) to foreclose any estate, interest or claim in or on the lands mortgaged; or
- (e) to redeem or discharge land from a mortgage.

(2) In a proceeding brought pursuant to subsection (1), the court may authorize the mortgagee:

- (a) to enter into possession of the land and receive and take the rents, issues and profits of the land; and
- (b) whether in or out of possession, to lease all or any part of the land.

(3) The term of any lease authorized by the court pursuant to subsection (2) is not to exceed five years, including all renewals of the lease.

Court order in case of absent mortgagee

133(1) The court may order payment into court of mortgage money, including any interest that the court considers appropriate, where:

- (a) a mortgagor becomes entitled to pay off the mortgage money;
- (b) either:
 - (i) the mortgagee is absent from Saskatchewan and there is no person authorized by power of attorney to give a receipt to the mortgagor for the mortgage money; or
 - (ii) the mortgagee is deceased and has no legal representative;
- (c) the date appointed for redemption has passed; and
- (d) the facts mentioned in clauses (a) to (c) and the amount due for principal and interest have been proven to the court's satisfaction.

(2) The moneys paid into court pursuant to subsection (1) are to be dealt with, subject to the rules of court, in accordance with any order of the court.

(3) Where moneys are paid into court pursuant to subsection (1), the court may require the mortgagee to discharge the mortgage or direct the Registrar to discharge the mortgage.

(4) After payment of the mortgage money and interest in accordance with this section:

- (a) the interest on the mortgage ceases to run or accrue; and
- (b) the mortgagee is not to recover any further sum with respect to the mortgage other than the amount paid in accordance with this section.

Effect of implied covenant

134(1) In this section, “**implied covenant**” means a covenant that, by virtue of this Act, is implied in an instrument.

(2) Every implied covenant has the same force and effect and is enforceable in the same manner as if it had been set out at length in the instrument.

(3) Every implied covenant, including any power in an implied covenant, may be negatived or modified by express declaration in the instrument.

(4) When an instrument in accordance with this Act is executed by more than one party, the implied covenants are to be construed to be several and not to bind the parties jointly.

Implied covenants re mortgage

135(1) It is implied by the transferor of title, the assignee of the interest, or the mortgagor, as the case may be, in every instrument mortgaging title or an interest that the transferor, assignee or mortgagor shall do all acts and execute all instruments that in accordance with this Act are necessary to give effect to all covenants, conditions and purposes:

- (a) expressly set forth in the instrument; or
- (b) by this Act declared to be implied against that person.

(2) Subject to any other Act, the covenant set out in subsection (3) is implied:

- (a) by the transferee with the transferor in every instrument transferring land for which title has issued that is subject to a mortgage; and
- (b) by the assignee with the assignor in every instrument assigning a registered interest that is subject to a mortgage.

(3) The covenant mentioned in subsection (2) is that the transferee or assignee, as the case may be:

- (a) shall pay the principal money, interest, annuity or rent charge secured by the mortgage at the rate and at the time specified in the instrument creating it; and
- (b) shall indemnify and keep harmless the transferor or assignor from and against:
 - (i) the principal sum or other moneys secured by the instrument; and
 - (ii) any liability with respect to any of the covenants contained in the instrument or implied pursuant to this Act on the part of the transferor or assignor.

Implied covenants against mortgagor

136 It is implied in every mortgage against the mortgagor remaining in possession that:

- (a) the mortgagor shall repair and keep in repair all buildings or other improvements erected and made on the land; and
- (b) the mortgagee may at all convenient times until the mortgage is redeemed enter into or on the land, with or without surveyors, to view the state or repair of the buildings or improvements.

Power to lease mortgaged land

137(1) A mortgagor may agree in writing in the mortgage to become the tenant of the mortgagee.

(2) Subject to subsection (4), a first mortgagee, or a second or subsequent mortgagee with the consent in writing of all prior mortgagees, may, by instrument in writing, lease the mortgaged land or any part of the land for a term not exceeding three years either:

(a) to the mortgagor or to any other person residing on the land or in possession of the land; or

(b) if the mortgage is in arrears and the land or part of the land is unoccupied, to any person.

(3) Where a lease is entered into pursuant to subsection (1) or (2), the relationship of landlord and tenant is validly constituted between the parties for all purposes and as against all persons.

(4) The mortgagee shall not enter into any lease or renewal of lease of all or any part of the mortgaged land with any person other than the registered owner without the consent in writing of the registered owner or the Provincial Mediation Board.

(5) The making of a lease pursuant to this section does not, nor does the receipt by the mortgagee of rent falling due pursuant to the lease, constitute the mortgagee a mortgagee in possession.

(6) The termination by the mortgagee or by any assignee of the mortgagee of the tenancy created by the lease does not entitle the mortgagee to possession of the mortgaged land in any case in which the tenant has any other interest in the land.

(7) Subsection (6) applies, with any necessary modification, to the termination by a vendor of land or by the assignee of the vendor of any tenancy similarly created in any agreement for sale of land or in any instrument or agreement subsequent to and relevant to or dealing with any agreement for sale of land.

DIVISION 2**Leases****Right to purchase leased land**

138 A right for the lessee to purchase the land described in the lease may be stipulated in the lease.

Lease of mortgaged land

139 No lease for a term of more than three years of mortgaged land is valid as against the mortgagee unless the mortgagee:

(a) has consented in writing to the lease before registration of the lease; or

(b) subsequently adopts the lease.

Action for recovery of land in case of default

140 A lessor may bring an action for the recovery of land against a lessee in default.

Termination of lease

141(1) Lawful re-entry and recovery of possession of leased land by a lessor or the lessor's assignee, by a legal proceeding, terminates the lease.

(2) Termination of a lease pursuant to subsection (1) does not release the lessee from his or her liability with respect to the breach of any covenant committed before the termination.

Shortform lease

142(1) Any lease may refer to the prescribed shortform covenants, and those shortform covenants may be identified in the prescribed manner.

(2) When shortform covenants are used in the manner set out in subsection (1), the lease has the same effect and is to be interpreted as if the shortform covenants had been inserted in the lease.

(3) A lease using shortform covenants in the manner set out in subsection (1) may contain, either in the lease instrument or annexed to it, any exceptions to or qualifications of the shortform covenants.

(4) When shortform covenants are used in the manner set out in subsection (1), the shortform covenants bind the lessor and the lessee.

Surrender of lease

143(1) No lease is to be surrendered without the consent of all persons appearing by the land titles registry to have an interest registered against the lease.

(2) On expiry, surrender or termination of a lease, the interest of the lessee vests in the lessor or other person entitled to the land.

Assignment of rents

144(1) In this section:

- (a) **“assignee”** includes a secured party;
- (b) **“assignment”** includes a security agreement;
- (c) **“easement”** includes an easement pursuant to *The Public Utilities Easements Act*, *The Pipelines Act, 1998* or any former *Pipe Lines Act*, or the *National Energy Board Act* (Canada);
- (d) **“lessee”** includes a holder of an easement;
- (e) **“rents”** means:
 - (i) amounts payable or to be paid pursuant to a lease, including a lease mentioned in section 139 and a lease to which *The Residential Tenancies Act* applies; or
 - (ii) amounts payable for or to be paid pursuant to an easement.

(2) For the purposes of determining priority among successive holders of rights in rents, an interest that arises pursuant to an assignment of rents is deemed to be an interest in land and may be registered.

(3) This section does not apply where all of the competing interests arose before April 1, 1995.

(4) After an assignment of rents is made, a lessee may pay rents to the grantor of the lease or the easement:

- (a) before the lessee receives written notice that:
 - (i) states that the rents payable or to become payable by the lessee are to be made to an identified assignee of the rents; and
 - (ii) describes the lease or easement with sufficient particularity to identify the rents; or
- (b) after the lessee requests the assignee to furnish proof of the assignment and the assignee fails to furnish that proof within 15 days after the date of the request.

(5) Payment of rents by a lessee to an assignee in accordance with a notice described in clause (4)(a) discharges the obligation of the lessee to the extent of the payment.

Implied covenants of lessee

145 The following covenants are implied by the lessee in every lease:

- (a) that the lessee shall pay the rent reserved by the lease at the times mentioned in the lease;
- (b) that the lessee shall at all times during the continuance of the lease keep, and at the termination of the lease yield up, the leased land in good and tenantable repair, accidents and damage to buildings from fire, storm, tempest or other casualty and reasonable wear and tear excepted.

Implied powers of lessor

146 The following powers of the lessor are implied in every lease, unless a contrary intention appears in the lease:

- (a) that the lessor or the lessor's agent may:
 - (i) enter on the leased land and view the state of repair; and
 - (ii) serve on the lessee, or leave at the lessee's last or usual place of residence or on the leased land, a notice in writing of any defect, requiring the lessee, within a reasonable period specified in the notice, to repair the defect to the extent that the lessee is bound to do so;
- (b) that the lessor may enter on and repossess and enjoy the leased land as the lessor's former estate where:
 - (i) the rent reserved, or any part of the rent reserved, is in arrears for the space of two calendar months, although no formal demand for the rent has been made;
 - (ii) the lessee defaults in the performance of any covenant, whether express or implied, and the default continues for two calendar months;
 - (iii) the repairs required by the notice mentioned in subclause (a)(ii) are not completed within the period specified in the notice; or
 - (iv) the lessee or any other person is convicted of keeping a disorderly house, within the meaning of the *Criminal Code* (Canada), on the leased land or any part of the leased land.

DIVISION 3
Easements

Grant of easement, etc., by owner to self

147(1) An owner of land may grant to himself or herself an easement or restrictive covenant for the benefit of land that he or she owns and against other land that he or she owns.

(2) Where dominant and servient tenements are registered in the name of the same person, an easement granted pursuant to this section is not merged by reason of the common ownership.

Discharge of easement

148 No easement holder shall apply to register a discharge of his or her easement without obtaining the consent of all interest holders registered against the title after the easement.

Party wall agreement

149(1) All rights and obligations pursuant to a registered interest based on a party wall agreement are deemed to run with both parcels of land affected by the agreement.

(2) Any transfer for, or interest taken in, the parcels affected by a registered interest based on a party wall agreement, is deemed to be subject to the registered interest based on the party wall agreement as if the instrument creating the transfer or interest includes:

- (a) an assignment of the rights created by the party wall agreement; or
- (b) an acknowledgment of the obligations created by the party wall agreement.

Doctrine of prescription abolished

150 No right to the access and use of light or any other easement, right in gross or *profit à prendre* is:

- (a) acquired by any person by prescription; or
- (b) deemed to have been acquired by prescription at any time.

DIVISION 4
Miscellaneous

Plan respecting certain interests necessary

151(1) The Lieutenant Governor in Council may designate in the regulations any interest for which a plan respecting the interest must be approved by the Controller of Surveys pursuant to *The Land Surveys Act, 2000* before that interest may be registered in the land titles registry.

(2) Notwithstanding any other provision of this Act, if an interest designated pursuant to subsection (1) is registered in the land titles registry before a plan respecting that interest has been approved by the Controller of Surveys pursuant to *The Land Surveys Act, 2000*, the registration of that interest is invalid.

Personal representative

152(1) On the death of a registered owner or interest holder, all rights and obligations of the registered owner or interest holder vest in the personal representative of the deceased registered owner or interest holder.

(2) The person in whom land of a deceased owner has been vested owns the land on the trusts and subject to any equitable claims on which the deceased owner held the land.

Consent of Public Trustee

153 No personal representative shall transfer, mortgage or otherwise deal with land belonging to the estate of a deceased person without obtaining the consent of the Public Trustee.

Effect of transaction that transfers land

154 Nothing in this Act precludes any transfer from operating by way of estoppel.

Effect of assignment

155(1) On an assignment:

(a) the interest of the assignor as set forth in the original instrument, with all rights, powers and privileges, passes to the assignee; and

(b) the assignee is subject to the same liabilities as if named in the original instrument as the holder of the interest, to the extent of the interest assigned.

(2) Subject to section 144, by virtue of an assignment mentioned in subsection (1), the right to sue on the instrument and to recover either the amount assigned or damages, and all the interest of the assignor in the amount or damages, vests in the assignee.

(3) Nothing in this section prevents the court from giving effect to any trusts affecting the amount or damages mentioned in subsection (2), if the assignee holds the same as trustee for another person.

(4) An assignment of an interest held by joint tenants is not effective unless the assignment is authorized:

(a) by all the joint tenants, in writing; or

(b) by court order.

Restriction on alienation of joint tenancy

156 No title or interest held in joint tenancy may be alienated by an instrument purporting to grant the title or interest unless the alienation is authorized:

(a) by all the joint tenants, in writing; or

(b) by court order.

No estate tail

157(1) No words used in a transfer or other dealing with title have the effect of changing an estate in fee simple to a limited fee or fee tail estate.

(2) Any words of limitation that would have created an estate tail are deemed to transfer:

(a) absolute ownership in the land; or

(b) the greatest estate that the transferor had in the land.

Sale of prospective parcels

158 Where a parcel for which no title exists is sold pursuant to an agreement for sale or otherwise, an application pursuant to section 44 with respect to the parcel must be submitted to the Registrar within 90 days after the sale.

Purchaser in good faith

159(1) In this section, “**purchaser**” includes any person claiming under the purchaser.

(2) A purchaser who purchases a parcel where the vendor fails to apply pursuant to section 44 or fails to have title issued for the parcel may:

- (a) rescind the purchase agreement; and
- (b) recover against the vendor:
 - (i) any money paid pursuant to the agreement, with interest; and
 - (ii) any taxes or other expenses that the purchaser incurred as a result of the purchase.

(3) If the purchaser rescinds the purchase agreement, he or she has a lien on the parcel as against the vendor’s interest for the moneys paid and taxes or other expenses mentioned in clause (2)(b).

(4) If the purchaser does not rescind the purchase agreement pursuant to this section, the vendor is bound by the agreement.

Interest in land to which fixtures are attached

160(1) In this section:

- (a) “**fixture**” means a fixture as defined in *The Personal Property Security Act, 1993*;
- (b) “**security interest**” means a security interest as defined in *The Personal Property Security Act, 1993*.

(2) A priority conflict between a security interest in fixtures and an interest in the land to which the fixtures are attached is to be determined in accordance with *The Personal Property Security Act, 1993* to the extent provided in that Act.

(3) A right granted by an owner of the land to enter on the land in order to do either of the following is an interest in land to which the fixtures are attached:

- (a) to sever and remove fixtures from the land;
- (b) to use fixtures attached to the land.

(4) Nothing in subsection (3) is to be interpreted as affecting the general law of real property except insofar as is necessary to give effect to that subsection in relation to land.

PART XVIII
Writs and Maintenance Orders

DIVISION 1
Saskatchewan Writ Registry

Saskatchewan Writ Registry established

161(1) The Saskatchewan Writ Registry is established.

(2) The personal property registry continued pursuant to *The Personal Property Security Act, 1993* may be used as the writ registry.

Contents of writ registry

162(1) The writ registry consists of all writs and maintenance orders that are registered in the writ registry.

(2) The writ registry is to be used in the manner set out in this Act.

Status of writ registry

163(1) The writ registry is a public registry of the people of Saskatchewan.

(2) All information in the writ registry is the property of the Government of Saskatchewan.

(3) Access to and disclosure of information in the writ registry is to be provided only in accordance with this Act and the regulations.

Searches of writ registry

164(1) Any person may request a search of the writ registry in the prescribed manner.

(2) The Registrar shall respond in the prescribed manner to a request made pursuant to subsection (1).

Writ registry search results

165 Any printed search result that is provided by the writ registry in the prescribed manner is admissible as proof, in the absence of evidence to the contrary, of the contents of the results, including the time of registration.

DIVISION 2
**Conversion of Writs and Maintenance Orders
in General Record to Writ Registry**

Filing of writs and maintenance orders in general record discontinued

166(1) On and after the coming into force of section 1 of this Act:

- (a) no writ or maintenance order is to be filed in a general record; and
- (b) no registrar appointed pursuant to the former Act and no other person is required to file any writ or maintenance order in a general record.

(2) A writ or maintenance order that was filed in a general record and that was in existence on the day before the coming into force of section 1 of this Act continues to have effect in the manner provided in this Part.

(3) The Registrar shall retain the writs and maintenance orders filed in a general record for the purposes of inspection and reference.

Writs and maintenance orders in general record become part of writ registry

167(1) On and after the coming into force of section 1 of this Act:

- (a) writs and maintenance orders that, on the day before the coming into force of section 1 of this Act are in a general record, must be immediately registered in the writ registry and assigned an effective registration date;
 - (b) in the case of an area that has not been designated in an order made pursuant to section 191 as an area to which this Act applies, the writs and maintenance orders in that area are to be dealt with in accordance with Division 6;
 - (c) in the case of an area designated in an order made pursuant to section 191 as an area to which this Act applies, the writs and maintenance orders in that area are to be dealt with in accordance with Division 3 and Division 4.
- (2) For the purposes of clause (1)(a), the Registrar shall register in the writ registry all writs and maintenance orders mentioned in that clause in accordance with the following rules:
- (a) all writs and maintenance orders are to be registered in order based on:
 - (i) the date the writ or maintenance order was filed in the general record in any land registration district or former land registration district; and
 - (ii) the registration number assigned in that land registration district or former land registration district to the writ or maintenance order;
 - (b) if two or more writs or maintenance orders would rank equally based on clause (a), the writs or maintenance orders are to be registered in order based on the date they were issued;
 - (c) if two or more writs or maintenance orders would rank equally based on clause (b), the writs or maintenance orders are to be registered in order based on the date that the Lieutenant Governor in Council, by order pursuant to section 191, designates that section 1 of this Act applies to the former land registration district in whose general record the writ or maintenance order was filed.
- (3) Notwithstanding subsection (2) or section 27, subsection (4) applies for the purposes of determining the priority between an interest based on a writ or maintenance order mentioned in clause (1)(a) and another interest where:
- (a) the interest based on the writ or maintenance order and the other interest are both registered in the land titles registry against the same title or interest;
 - (b) the title or interest mentioned in clause (a) is with respect to land that is located within the same land registration district or former land registration district as the land registration district or former land registration district in whose general record the writ or maintenance order was filed; and

(c) at the time the other interest was registered against a title or interest, there was an exact match between:

- (i) the name of the debtor named in the writ or maintenance order; and
- (ii) the name of the registered owner of that title or holder of that interest.

(4) Pursuant to subsection (3), the interest based on the writ or maintenance order mentioned in clause (1)(a) is deemed to have a registration time that was the time assigned by filing in the general record of the land registration district or former land registration district in which the parcel or condominium unit, or a portion of the parcel or condominium unit, subject to the writ or maintenance order is located.

(5) In the case of a writ mentioned in subsection (3), for the purpose of giving effect to the deemed registration pursuant to subsection (4), the writ binds and forms a lien and charge against the title or interest against which the writ is registered from the time it is deemed to have been registered.

(6) In the case of a maintenance order mentioned in subsection (3), for the purpose of giving effect to the deemed registration pursuant to subsection (4), the maintenance order takes effect pursuant to section 179 against the title or interest against which the maintenance order is registered from the time it is deemed to have been registered.

(7) The Registrar shall maintain in the writ registry a record of each writ and maintenance order that is registered pursuant to clause (1)(a).

(8) The record mentioned in subsection (7) is to contain the following respecting each writ and maintenance order:

- (a) the name of each land registration district or former land registration district in whose general record it was filed;
- (b) the date of filing in the general record;
- (c) the registration number assigned at the time of registration in the writ registry;
- (d) the writ or maintenance order that was registered.

Effect of registration of writs and maintenance orders on conversion

168 Every title that results from a conversion pursuant to section 193, 194 or 195 is automatically subject to an interest based on a writ or maintenance order in the writ registry where there is an exact match between:

- (a) the name on the writ or maintenance order; and
- (b) the registered owner of the converted title.

Curative powers on conversion of writs and maintenance orders

169(1) For the purpose of handling any registration of a writ or maintenance order in the writ registry pursuant to section 167 or of ensuring that a converted title is subject to an interest based on a writ or maintenance order pursuant to section 168, the Registrar may correct any error or omission, and for that purpose section 97 applies, with any necessary modification.

(2) Any matter arising out of a registration of a writ or maintenance order in the writ registry pursuant to section 167 or of ensuring that a converted title is subject to an interest based on a writ or maintenance order pursuant to section 168 may be referred to the Registrar for a decision, and for that purpose section 101 applies, with any necessary modification.

DIVISION 3**Writs****Registration of writ in writ registry required**

170(1) On or after the coming into force of section 1 of this Act, no interest based on a writ is to be registered in the land titles registry until the writ is first registered in the writ registry.

(2) Every person who wishes to register a writ in the writ registry shall apply in the prescribed manner.

(3) On receipt of an application that meets the requirements of this section, the writ must be registered in the writ registry and assigned a time of registration.

Request to register interest based on writ against any title or interest

171(1) After a writ is registered in the writ registry, an application to register an interest based on that writ in the land titles registry may be made in accordance with section 52 and, for that purpose, Part VIII applies.

(2) The Registrar shall register an interest mentioned in subsection (1) against those titles or interests identified by the applicant.

(3) The registration of an interest pursuant to this section is effective until the registration is removed in accordance with this Act.

Automatic registration of interest based on writ against after-acquired title or interest

172(1) On and after the registration of a writ in the writ registry against the name of a debtor, any title subsequently issued, or interest subsequently registered in the land titles registry, in the exact name of the debtor must include and be subject to the registration of an interest based on the writ.

(2) An interest registered in accordance with subsection (1) has priority against other registered interests according to the time the interest is registered against the title or interest, and not according to:

- (a) the date the writ was issued;
- (b) the time the writ was submitted to the writ registry;
- (c) the time the writ was registered in the writ registry; or
- (d) the time the application to register an interest based on the writ was submitted to the land titles registry.

Effect of registration of writ in land titles registry

173(1) After an interest based on a writ is registered in the land titles registry against a title or against another interest, while that writ is in force, the writ binds and forms a lien and charge on the land included in the title or on the supporting interest, including:

- (a) any title or interest held under joint tenancy until the joint tenancy is terminated; and
 - (b) land declared by *The Exemptions Act* or Part V of *The Saskatchewan Farm Security Act* to be free from seizure by virtue of writs.
- (2) Nothing in subsection (1) authorizes the sheriff to sell any land declared by *The Exemptions Act* or Part V of *The Saskatchewan Farm Security Act* to be free from seizure by virtue of writs.
- (3) The registration in the land titles registry of an interest based on a writ does not of itself suspend or sever a joint tenancy in any land in which the debtor and another person or other persons hold title as joint tenants.
- (4) On the death of the debtor, the writ ceases to bind and form a lien and charge on any land described in subsection (3).

Satisfaction or withdrawal of writ from the writ registry

174(1) Where the Registrar is advised in the prescribed manner that a writ has been satisfied or withdrawn, the Registrar shall direct the removal of the writ from the writ registry.

- (2) Where a writ is no longer in force, the Registrar may direct the removal of the writ from the writ registry.
- (3) Before directing the removal of a writ from the writ registry pursuant to subsection (2), the Registrar shall comply with any prescribed procedures.
- (4) Where a writ is removed from the writ registry, any interest based on that writ that is registered in the land titles registry must also be removed.

Summary discharge of writ from the land titles registry

175(1) On receipt of an application for registration of a discharge of an interest based on a writ, the Registrar may discharge the registration of the interest from the land titles registry where the person making the application satisfies the Registrar that he or she is not the person named in the instrument on which the interest is based.

- (2) An application pursuant to this section must be made in the prescribed manner.

DIVISION 4
Maintenance Orders

Registration of maintenance order in writ registry required

176(1) On or after the coming into force of section 1 of this Act, no interest based on a maintenance order is to be registered in the land titles registry until the maintenance order is first registered in the writ registry.

(2) Every person who wishes to register a maintenance order in the writ registry shall apply in the prescribed manner.

(3) On receipt of an application that meets the requirements of this section, the maintenance order must be registered in the writ registry and assigned a time of registration.

Request to register interest based on maintenance order against any title or interest

177(1) After a maintenance order is registered in the writ registry, an application to register an interest based on that maintenance order in the land titles registry may be made in accordance with section 52 and, for that purpose, Part VIII applies.

(2) The Registrar shall register an interest mentioned in subsection (1) against those titles or interests identified by the applicant.

(3) The registration of an interest pursuant to this section is effective until the registration is removed in accordance with this Act.

Automatic registration of interest based on maintenance order against after-acquired title or interest

178(1) On and after the registration of a maintenance order in the writ registry against the name of a debtor, any title subsequently issued, or interest subsequently registered in the land titles registry, in the exact name of the debtor must include and be subject to the registration of an interest based on the maintenance order.

(2) An interest registered in accordance with subsection (1) has priority against other registered interests according to the time the interest is registered against the title or interest, and not according to:

- (a) the date the maintenance order was issued;
- (b) the time the maintenance order was submitted to the writ registry;
- (c) the time the maintenance order was registered in the writ registry; or
- (d) the time the application to register an interest based on the maintenance order was submitted to the land titles registry.

Effect of registration of maintenance order in land titles registry

179 After an interest based on a maintenance order is registered in the land titles registry against a title or against another interest, while that maintenance order is in force, the maintenance order has the effect given to it pursuant to section 45 of *The Enforcement of Maintenance Orders Act, 1997*.

Satisfaction or withdrawal of maintenance order from the writ registry

180(1) Where the Registrar is advised in the prescribed manner that a maintenance order has been satisfied or withdrawn, the Registrar shall direct the removal of the maintenance order from the writ registry.

(2) Where a maintenance order is no longer in force, the Registrar may direct removal of the maintenance order from the writ registry.

(3) Before directing the removal of a maintenance order from the writ registry pursuant to subsection (2), the Registrar shall comply with any prescribed procedures.

(4) Where a maintenance order is removed from the writ registry, any interest based on that maintenance order that is registered in the land titles registry must also be removed.

Summary discharge of maintenance order from the land titles registry

181(1) On receipt of an application for registration of a discharge of an interest based on a maintenance order, the Registrar may discharge the registration of the interest from the land titles registry where the person making the application satisfies the Registrar that he or she is not the person named in the instrument on which the interest is based.

(2) An application pursuant to this section must be made in the prescribed manner.

Application to court to discharge maintenance order

182(1) A debtor, or any person claiming an interest in any land affected by the registration of a maintenance order, may apply to the court for an order directing the Registrar to discharge the registration of the maintenance order.

(2) On an application pursuant to subsection (1), the court, if satisfied that payment of a maintenance order is otherwise adequately secured, may:

- (a) direct the Registrar to discharge the registration of the maintenance order insofar as it affects the land described in the direction; and
- (b) make any order that the court considers necessary for the protection of the rights of the claimant.

(3) The court may act pursuant to subsection (2):

- (a) on notice to the Director of Maintenance Enforcement and on any other notice that the court considers fit; or
- (b) without notice where, in the opinion of the court, the circumstances warrant.

DIVISION 5**General Rules respecting Writs and Maintenance Orders****Order of registering interests based on writs and maintenance orders**

183 Where two or more writs or maintenance orders are registered in the writ registry and are to be automatically registered in the land titles registry against the same title or the same interest, the writs or maintenance orders are to be registered in order in the land titles registry, as registrable interests, based on the order of registration of the writs or maintenance orders in the writ registry.

Sheriff's power not affected by non-registration

184 The failure to register a writ or maintenance order in the writ registry does not affect a sheriff in carrying out his or her rights or duties with respect to the writ or maintenance order.

DIVISION 6

Writs and Maintenance Orders in Areas not subject to a section 191 order**Application of Division**

185 This Division applies only to those areas of Saskatchewan that are not subject to an order made pursuant to section 191.

Endorsing writs and maintenance orders on certificates of title

186(1) Subject to this section, the provisions of the former Act respecting the endorsement of writs and maintenance orders on certificates of title continue to apply.

(2) Where a land titles registry function pursuant to the former Act requires searching a former general record for writs and maintenance orders:

- (a) the writ registry must be searched; and
- (b) if the land titles registry function results in a new certificate of title being issued, the Registrar shall endorse on the certificate of title, in the manner prescribed by the former Act, any writ or maintenance order registered in the writ registry where the name of the debtor on the writ or maintenance order exactly matches the name of the former or new owners named on the certificate of title.

PART XIX
Regulations**Regulations**

187(1) The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act, including words or expressions defined in this Act, and defining, enlarging or restricting the meaning of any word or expression differently for different provisions in this Act;
- (b) for the purposes of clause 2(1)(ww), prescribing instruments that are to be considered as writs, and designating instruments that are not to be considered as writs for the purposes of this Act;
- (c) designating mines and minerals as mineral commodities;
- (d) prescribing additional functions and responsibilities of the Registrar;
- (e) prescribing the hours of operation of the land titles registry;
- (f) authorizing the Registrar to amend the hours of operation of the land titles registry where the Registrar considers it necessary;

- (g) designating additional entities that are eligible to be registered owners or interest holders;
- (h) prescribing requirements:
 - (i) as to the execution and attestation of documents;
 - (ii) as to the form of documents or categories of documents submitted for registration;
 - (iii) as to the form and content of documents submitted for registration; and
 - (iv) for verifying the authenticity of documents submitted for registration;
- (i) prescribing any forms required for the purposes of this Act;
- (j) designating types of parcels and mineral commodities for which no ownership register is to be established pursuant to section 11;
- (k) for the purposes of subsection 44(2), prescribing any vested parcel for which no ownership register is to be established or title issued;
- (l) designating interests as registrable interests;
- (m) designating any interest for which a plan respecting that interest must be approved by the Controller of Surveys pursuant to *The Land Surveys Act, 2000* before that interest may be registered in the land titles registry;
- (n) prescribing the factors that determine when an interest is exhausted;
- (o) prescribing the circumstances in which the registration of an interest may be lapsed, and prescribing the manner in which interests may be lapsed;
- (p) prescribing all matters relating to searches of the land titles registry, abstract directory and writ registry and the method of disclosure of information in the land titles registry, abstract directory and writ registry, including the form of a search result;
- (q) requiring or permitting the use of printed or electronic verification statements to confirm registrations;
- (r) prescribing abbreviations, expansions or symbols that may be used in a document in connection with the registration of, or the disclosure of, information in the land titles registry, abstract directory or writ registry;
- (s) prescribing shortform covenants for mortgages and the manner of identifying those shortform covenants in a mortgage;
- (t) prescribing shortform covenants for leases and the manner of identifying those shortform covenants in a lease;
- (u) respecting the suspension of land titles registry functions and the recommencement of land titles registry functions, including:
 - (i) prescribing procedures, in addition to those set out in this Act, for suspending land titles registry functions and recommencing land titles registry functions; and
 - (ii) prescribing any other matter or thing that the Lieutenant Governor in Council considers necessary respecting suspension of land titles registry functions or recommencement of land titles registry functions;

- (v) prescribing notice requirements and requirements with respect to addresses;
 - (w) prescribing the manner and the requirements with respect to a change of name or change of address by a registered owner or interest holder;
 - (x) prescribing the manner and requirements for obtaining the consent of the Public Trustee to the dealing with land in the name of a personal representative of a deceased registered owner or deceased interest holder;
 - (y) for the purposes of section 113, prescribing other means of service and the manner of proving that service;
 - (z) prescribing any dates required to be prescribed for the purposes of this Act;
 - (aa) for the purposes of subsection 90(3), prescribing the amount of compensation above which the Registrar must obtain approval before entering into an agreement pursuant to that section;
 - (bb) designating additional exclusions to compensation;
 - (cc) respecting access to or disclosure of information in the land titles registry, the abstract directory or the writ registry, including disclosure of large volumes of information in the land titles registry, the abstract directory or the writ registry, and respecting any privacy requirements that must be complied with by any person to whom information in the land titles registry, the abstract directory or the writ registry is disclosed;
 - (dd) respecting the establishment and maintenance of the abstract directory;
 - (ee) respecting the establishment, maintenance and operation of the writ registry, and, for that purpose, adopting all or any procedures respecting the use, maintenance and operation of the personal property registry continued pursuant to *The Personal Property Security Act, 1993*;
 - (ff) prescribing any other matter or thing that is required or authorized to be prescribed pursuant to this Act;
 - (gg) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this Act.
- (2) In addition to the power to make regulations as set out in *The Electronic Information and Documents Act, 2000*, the Lieutenant Governor in Council may make regulations:
- (a) respecting the establishment and maintenance of electronic documents or categories of electronic documents in the land titles registry;
 - (b) respecting the custody, disposition and destruction of electronic documents and of printed documents that have been registered in an electronic format;
 - (c) prescribing all matters relating to the registration of documents and electronic data that may or are required to be registered or filed pursuant to this Act or any other Act or law;

- (d) governing the receipt of an electronic document and the time and manner of submitting and registering an electronic document;
 - (e) governing the protection against unauthorized access to or use of the land titles registry;
 - (f) prescribing the persons or categories of persons who may:
 - (i) apply for registration in electronic format; or
 - (ii) on behalf of the Registrar, electronically register a document in the land titles registry;
 - (g) prescribing training requirements for persons or categories of persons prescribed pursuant to subclause (f)(ii), including authorizing the Registrar to prescribe training requirements for persons or categories of persons prescribed pursuant to subclause (f)(ii);
 - (h) establishing rules, procedures and guidelines governing electronic searches of the land titles registry and designating persons or categories of persons authorized to electronically search the land titles registry.
- (3) A regulation made pursuant to subsection (2) may apply to all or only some of the documents required or permitted to be registered pursuant to this Act.
- (4) Where a power is given to the Lieutenant Governor in Council in this Act to prescribe the manner in which an act or thing is to be done, that power is to be construed as including the power:
- (a) to prescribe any criteria, terms, conditions or requirements that must be met in order to do that act or thing; and
 - (b) to require any person to comply with those criteria, terms, conditions or requirements.
- (5) Notwithstanding any other Act or law, the Lieutenant Governor in Council may make regulations, pursuant to the authority of this section, amending regulations made pursuant to any other Act for the following purposes:
- (a) adapting the procedures established in those regulations so that those procedures conform to procedures established in this Act or the regulations made pursuant to this Act;
 - (b) correcting references in those regulations so that those references conform to this Act.
- (6) A regulation made pursuant to this section may be made retroactive to a day not earlier than the day on which section 1 of this Act comes into force.
- (7) Subject to subsection 98(8), if there is any conflict between the regulations made pursuant to clause (1)(u) and any other Act or law, the regulations made pursuant to clause (1)(u) prevail.

PART XX
Transitional and Conversion

DIVISION 1
Transitional

Officials

188 The powers, functions and responsibilities of the Master of Titles and the registrars of each land registration district conferred or imposed pursuant to any other Act are continued, to the extent provided in this Act, in the Registrar.

Proceedings continued

189 Any proceeding or process commenced pursuant to the former Act must be continued pursuant to and in conformity with this Act, as far as it is practicable to do so.

Cancellation of duplicate certificates

190(1) All duplicate certificates of title issued pursuant to the former Act are deemed to be cancelled.

(2) The Registrar shall not require the duplicate certificate of title in order to accept a transfer or an interest for registration.

(3) The cancellation of a duplicate certificate of title pursuant to this section does not affect any rights between parties that may have been acquired in reliance on the duplicate certificate of title.

DIVISION 2
Conversion

Designating where Act is to apply

191(1) Subject to subsection 3(2), the Lieutenant Governor in Council may, by order, designate the area or areas in Saskatchewan to which this Act applies.

(2) For the purposes of an order made pursuant to subsection (1), the Lieutenant Governor in Council may designate areas by reference to the former land registration districts and by using the names and boundaries of the former land registration districts.

(3) The Lieutenant Governor in Council shall cause any order made pursuant to subsection (1) to be published in the Gazette.

(4) On the coming into force of an order made pursuant to subsection (1), the former Act ceases to apply to the area or areas designated in the order.

Conversion to electronic documents

192 Documents that were part of the former registry and that are continued in the land titles registry pursuant to this Act may be maintained, represented and organized electronically in accordance with this Act and have legal effect and are operative only in accordance with this Act.

Conversion of certificates of title to surface titles

193(1) Subject to subsection (2), on the coming into force of an order pursuant to section 191 designating an area of Saskatchewan as an area to which this Act applies:

(a) a certificate of title that is for the surface located within that area and that was in existence on the day before the coming into force of the order is converted to and is deemed to be a surface title issued pursuant to section 12; and

(b) the rights of the owner as shown on a certificate of title mentioned in clause (a) are converted to and are deemed to be the rights of the registered owner of the converted surface title.

(2) Subsection (1) applies only to a certificate of title that was granted for an estate in fee simple absolute.

(3) Subject to subsections 13(3) and (4), in the conversion of a certificate of title to a surface title, the Registrar may restate in the surface title the description of land using a parcel number if the Registrar considers that it is appropriate to do so.

(4) Subject to subsections 13(3) and (4), where conversion occurs pursuant to subsection (3), if there is any conflict between the land as referenced by the parcel number and the land as originally described on the certificate of title, the original description of the land as it appeared on the certificate of title prevails.

Conversion of certificates of title to condominium titles

194(1) Subject to subsection (2), on the coming into force of an order pursuant to section 191 designating an area of Saskatchewan as an area to which this Act applies:

(a) a certificate of title that is for a condominium unit located within that area and that was in existence on the day before the coming into force of the order is converted to and is deemed to be a condominium title issued pursuant to section 12; and

(b) the rights of the owner as shown on a certificate of title mentioned in clause (a) are converted to and are deemed to be the rights of the registered owner of the converted condominium title.

(2) In the conversion of a certificate of title to a condominium title, the Registrar may restate in the condominium title the description of land using a unit number and a share in the common property if the Registrar considers that it is appropriate to do so.

(3) Where conversion occurs pursuant to subsection (2), if there is any conflict between the land as referenced by the unit number and share in the common property and the land as originally described on the certificate of title, the original description of the land as it appeared on the certificate of title prevails.

Conversion of certificates of title for minerals

195(1) On the coming into force of an order pursuant to section 191 designating an area of Saskatchewan as an area to which this Act applies:

- (a) a certificate of title for surface and mines and minerals that is for the surface and for mines and minerals located within that area for which no mineral certificate was issued, and that was in existence on the day before the coming into force of the order is converted to and is deemed to be:
 - (i) with respect to the surface, a surface title issued pursuant to section 12;
 - (ii) with respect to mines and minerals, an uncertified mineral title;
- (b) the rights of the owner with respect to the surface as shown on a certificate of title for surface and mines and minerals mentioned in clause (a) are converted to and are deemed to be the rights of the registered owner of the converted surface title;
- (c) the purported rights of the owner with respect to mines and minerals as shown on a certificate of title for surface and mines and minerals mentioned in clause (a) are converted to and are deemed to be the purported rights of the owner of the uncertified mineral title;
- (d) a certificate of title for surface and mines and minerals that is for the surface and for mines and minerals located within that area for which a mineral certificate was issued, and that was in existence on the day before the coming into force of the order is converted to and is deemed to be:
 - (i) with respect to the surface, a surface title issued pursuant to section 12;
 - (ii) with respect to mines and minerals, a mineral title issued pursuant to section 12;
- (e) the rights of the owner with respect to the surface as shown on a certificate of title for surface and mines and minerals mentioned in clause (d) are converted to and are deemed to be the rights of the registered owner of the converted surface title;
- (f) the purported rights of the owner with respect to mines and minerals as shown on a certificate of title for surface and mines and minerals mentioned in clause (d) are converted to and are deemed to be the purported rights of the owner of the converted mineral title;
- (g) a certificate of title for mines and minerals located within that area, that was in existence on the day before the coming into force of the order and for which no mineral certificate was issued, is converted to and is deemed to be an uncertified mineral title;
- (h) the purported rights of the owner with respect to mines and minerals as shown on a certificate of title for mines and minerals mentioned in clause (g) are converted to and are deemed to be the purported rights of the owner of the uncertified mineral title;

- (i) a certificate of title for mines and minerals located within that area, that was in existence on the day before the coming into force of the order and for which a mineral certificate was issued, is converted to and is deemed to be a converted mineral title; and
 - (j) the purported rights of the owner with respect to mines and minerals as shown on a certificate of title for mines and minerals mentioned in clause (i) are converted to and are deemed to be the purported rights of the owner of the converted mineral title.
- (2) In the conversion of a certificate of title to a mineral title or to an uncertified mineral title, the Registrar may restate in the title the mineral description as title with respect to one or more mineral commodities in a mineral parcel if the Registrar considers that it is appropriate to do so.
- (3) Where conversion occurs pursuant to this section, if there is any conflict between the mineral rights as described by mineral commodity and the mineral rights as originally described on the certificate of title, the original description of the mineral rights as they appeared on the certificate of title prevail.

Ownership conversion

196 Unless the contrary is expressed on a certificate of title mentioned in section 193, 194 or 195, every converted title is deemed to be for an equal ownership share in:

- (a) in the case of a surface title, in the surface parcel to which the converted surface title relates;
- (b) in the case of a mineral title, in each mineral commodity within the mineral parcel to which the converted mineral title relates;
- (c) in the case of a condominium title, in the condominium unit to which the converted condominium title relates.

Conversion of interests

197(1) On the coming into force of an order pursuant to section 191 designating an area of Saskatchewan as an area to which this Act applies, an instrument, other than a transfer, that was endorsed on a certificate of title pursuant to the former Act and that was in existence on the day before the coming into force of the order:

- (a) is converted to and is deemed to be a registered interest;
- (b) where the instrument was registered against title and endorsed on a certificate of title on the day before the coming into force of the order, is deemed to be registered against the converted title that was derived from the certificate of title;
- (c) where the instrument was registered against another instrument and endorsed on a certificate of title on the day before the coming into force of the order and where that other instrument is converted to a registered interest pursuant to this section, is deemed to be registered against the supporting interest that was derived from the other instrument; and
- (d) is to be dealt with in accordance with Part VIII of this Act.

(2) Where there is more than one holder for a particular converted interest, the holders of the converted interest are to be shown in the land titles registry as tenants in common having an equal share in the interest unless the contrary was expressed in the endorsement on the certificate of title from which the interest was derived.

Conversion of condominium plan interests

198(1) On the coming into force of an order pursuant to section 191 designating an area of Saskatchewan as an area to which this Act applies, an instrument that was endorsed on a condominium plan pursuant to *The Condominium Property Act, 1993* for land within that area and that was in existence on the day before the coming into force of the order:

- (a) subject to the regulations, is converted to and is deemed to be a registered interest; and
- (b) is deemed to be registered against the converted condominium titles that are derived from the certificates of title issued pursuant to the particular condominium plan on which the instrument was endorsed.

(2) An instrument that is not converted pursuant to clause (1)(a) is to be dealt with in the prescribed manner.

Conversion of leasehold estates to registered interests

199 On the coming into force of an order pursuant to section 191 designating an area of Saskatchewan as an area to which this Act applies, a certificate of title with respect to a leasehold estate in the surface located within that area that was issued pursuant to section 119 of the former Act and that was in existence on the day before the coming into force of the order:

- (a) is converted to and is deemed to be a registered interest based on a lease; and
- (b) is deemed to be registered against the converted surface title for the land.

General records discontinued

200(1) On the coming into force of an order pursuant to section 191 designating an area of Saskatchewan as an area to which this Act applies:

- (a) the general record for that area is discontinued;
- (b) no instrument is to be recorded in the general record for that area; and
- (c) no registrar appointed pursuant to the former Act and no other person is required to file any instrument in the general record for that area.

(2) On the coming into force of an order pursuant to section 191 designating an area of Saskatchewan as an area to which this Act applies, any instrument in the general record for that area that is designated by the Lieutenant Governor in Council in the regulations as an instrument to which this section applies must be converted and registered in the land titles registry in the prescribed manner.

(3) An instrument in the general record for the area mentioned in subsection (1), other than an instrument designated for the purposes of subsection (2) or a writ or maintenance order, has no effect on any registration or transaction in the land titles registry on or after the day on which the order mentioned in subsection (1) comes into force unless that instrument is submitted to the Registrar for registration in accordance with this Act and the regulations.

(4) Notwithstanding subsection (3), the Registrar shall retain the instruments filed in the general record for the purposes of inspection and reference.

Instrument registers discontinued

201(1) In this section, “**instrument register**” means an instrument register for a former land registration district that was required to be kept pursuant to section 25 of the former Act.

(2) On the coming into force of an order pursuant to section 191 designating an area of Saskatchewan as an area to which this Act applies, the instrument register for that area is discontinued.

(3) Notwithstanding subsection (2), the Registrar shall retain the information contained in the instrument register for the purposes of inspection and reference.

Curative powers on conversion

202(1) For the purpose of handling any conversion to a title or an interest pursuant to this Division, the Registrar may correct any error or omission, and for that purpose section 97 applies.

(2) Any matter arising out of a conversion to a title or an interest pursuant to this Division may be referred to the Registrar for a decision, and for that purpose section 101 applies.

Minister’s regulations to facilitate conversion

203(1) Notwithstanding any other provision of this Act or any other Act or law, the minister may make regulations for the purposes of this Part:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act, including words or expressions defined in this Act, and defining, enlarging or restricting the meaning of any word or expression differently for different provisions in this Act;
- (b) suspending the application of any provision of this Act or of any other Act or law that deals with matters regulated by this Act;
- (c) prescribing new or additional procedures and requirements that must be complied with in order to register or deal with any parcel, title, interest, writ or maintenance order;
- (d) exempting any person or category of persons from complying with all or any provision of this Act or any other Act or law that deals with matters regulated by this Act and prescribing terms and conditions that that person or category of persons must comply with in order to be eligible for exemption;
- (e) amending or varying the rules respecting priority of registration for writs and maintenance orders;

- (f) declaring that provisions of the former Act apply to persons, parcels, titles or interests or any category of persons, parcels, titles or interests and respecting the conditions on which provisions of the former Act are to apply;
 - (g) declaring that former provisions, as defined in section 205, apply to persons, parcels, titles or interests or any category of persons, parcels, titles or interests and respecting the conditions on which former provisions are to apply;
 - (h) declaring that amended provisions, as defined in section 205, apply to areas of Saskatchewan with respect to which the Lieutenant Governor in Council has not issued an order pursuant to section 191;
 - (i) respecting any additional matter or thing that the minister considers necessary to facilitate the conversion process pursuant to this Act or to ensure the security and protection of rights to parcels, titles or interests.
- (2) Subject to subsection (3), if there is any conflict between the regulations made pursuant to this section and any other Act or law, the regulations made pursuant to this section prevail.
- (3) If there is any conflict between the regulations made pursuant to this section and any regulations made by the Lieutenant Governor in Council pursuant to section 187 after the regulations made pursuant to this section are enacted, the regulations made by the Lieutenant Governor in Council prevail.
- (4) Regulations made pursuant to this section may be made retroactive to a day not earlier than the day on which section 1 of this Act comes into force.

PART XXI
Consequential Amendments

DIVISION 1
General

References in other enactments

- 204(1)** In this section, “**enactment**” means an Act or a regulation as defined in *The Interpretation Act, 1995*.
- (2) This section applies to any enactment insofar as that other enactment permits or requires something to be done that is governed by this Act.
- (3) When applying another enactment to a matter governed by this Act:
- (a) a reference in that other enactment to a former Act is deemed to be a reference to this Act;
 - (b) a reference in that other enactment to a “certificate of title” is deemed to be a reference to a “title”;
 - (c) a reference in that other enactment to the Master of Titles, a Deputy Master of Titles, a registrar of a land titles office or a deputy registrar of a land titles office is deemed to be a reference to the Registrar;
 - (d) a reference in that other enactment to a “land registration district” is deemed to be a reference to the “Saskatchewan Land Registration District”;

- (e) a reference in that other enactment to a “land titles office” is deemed to be a reference to the “land titles registry”;
- (f) a reference in that other enactment to “filing” or “registering”, other than a reference to registering or filing a plan, is deemed to be a reference to “an application for registration”;
- (g) a reference in that other enactment to creating a caveat or other interest is deemed to be a reference to applying to register an interest based on a caveat or other interest;
- (h) a reference in that other enactment to a procedure in a former Act is to be adapted as far as it can be adapted to conform to a procedure established in this Act, and the procedure established in this Act must be followed as far as it can be adapted.

Application of amendments

205(1) In this section:

- (a) **“amended provision”** means a provision of an enactment as amended by this Part, *The Condominium Property Amendment Act, 2000* or *The Land Titles Consequential Amendment Act, 2000*;
 - (b) **“enactment”** means an Act or regulation or a portion of an Act or regulation;
 - (c) **“former provision”** means a provision of an enactment being amended by this Part, *The Condominium Property Amendment Act, 2000* or *The Land Titles Consequential Amendment Act, 2000*, as that provision read on the day before the coming into force of section 1 of this Act.
- (2) Subject to subsection (4) and the regulations, an amended provision applies to transactions and any other matters regulated by this Act 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 as an area to which this Act applies.
- (3) Subject to subsection (4) and the regulations but notwithstanding any other provision of this Part, a former provision continues to apply to transactions and any other matters regulated by the former Act that have effect or that may have effect in areas of Saskatchewan with respect to which the Lieutenant Governor in Council has not issued an order pursuant to section 191 until the former provision is subsequently amended, repealed or replaced.
- (4) The amendments to *The Executions Act* and *The Personal Property Security Act, 1993* set out in Division 12 and Division 32, respectively, apply to every area of Saskatchewan and to every parcel, title and interest in Saskatchewan insofar as a writ or maintenance order affects or may affect the parcel, title or interest.

DIVISION 2

The Agricultural Development and Adjustment Act

R.S.S. 1978, c.A-9, section 16 amended

206(1) Section 16 of *The Agricultural Development and Adjustment Act* is amended in the manner set out in this section.

(2) Subsection 16(1) is repealed and the following substituted:

“(1) Where an interest based on a tax lien is registered against the title to a parcel of land in a rural municipality, the municipality may assign the lien to the minister, or, having obtained title to the land, transfer it to Her Majesty as represented by the minister, and the minister may accept the assignment or transfer”.

(3) Subsection 16(3) is amended by striking out “transfer of land” and substituting “transfer of title for the parcel of land”.**(4) Subsection 16(4) is amended:**

(a) by striking out “filed by the municipality” and substituting “registered in the Land Titles Registry”; and

(b) by striking out “filing the tax lien” and substituting “registration”.

(5) Subsection 16(5) is amended by striking out “section 189 of *The Land Titles Act*, or”.

DIVISION 3

The Builders' Lien Act

S.S. 1984-85-86, c.B-7.1 amended

207 *The Builders' Lien Act* is amended in the manner set forth in this Division.

Section 2 amended

208 Subsection 2(1) is amended:**(a) by repealing subclause (o)(i) and substituting the following:**

“(i) in the case of a claim of lien mentioned in section 50 and in the case of any other registrable interest, registered as an interest pursuant to *The Land Titles Act, 2000* or filed in the Abstract Directory pursuant to that Act where no title has been issued for the parcel of land affected”;
and

(b) by repealing clause (p) and substituting the following:

“(p) ‘**registrar**’ means the Registrar of Titles as defined in *The Land Titles Act, 2000*”.

Section 32 amended

209(1) Subsection 32(2) is amended by striking out “accepted for registration with respect to a unit shall be registered pursuant to section 50 against the certificate of title for that unit” and substituting “with respect to a unit is registrable as an interest against the owner’s title in accordance with section 50”.

(2) Subsection 32(3) is amended by striking out “accepted for registration with respect to the common property shall be registered pursuant to section 50 against the condominium plan and not against the certificate of title to any unit” **and substituting** “with respect to common property is registrable as an interest against the titles issued pursuant to the condominium plan in accordance with section 50”.

Section 49 amended

210 Clause 49(5)(a) is amended by striking out “or protected by caveat”.

Section 50 amended

211(1) Subsection 50(1) is repealed and the following substituted:

“(1) A lien claimant may apply to the registrar to register an interest based on a claim of lien”.

(2) Subsection 50(4) is amended by striking out “a general lien shall be registered against each of the parcels of land” **and substituting** “a lien claimant may apply to the registrar to register an interest based on a general lien against the titles for each parcel of land”.

(3) Subsections 50(6) to (8) are repealed and the following substituted:

“(6) A lien claimant may change his or her address for service by submitting an application for change of address to the Land Titles Registry.

“(7) On the registration of an interest based on a claim of lien, the registrar shall send notice of the registration by ordinary mail to:

(a) the registered owner of the title against which the claim of lien is registered; and

(b) any mortgagee who has a registered interest against the title prior to the registration of the claim of lien.

“(8) Where an interest based on a claim of lien is registered against all titles issued pursuant to a condominium plan, the registrar shall also send the notice mentioned in subsection (7) to the condominium corporation, by ordinary mail”.

Section 51 amended

212 Subsection 51(1) is amended by striking out “a Land Titles Office apply *mutatis mutandis* to the lien” **and substituting** “the Land Titles Registry apply, with any necessary modification, to the lien”.

Section 55 amended

213 The following subsection is added after subsection 55(2):

“(2.1) An order pursuant to subsection (2) extending the time for commencing an action may be registered as an interest in the Land Titles Registry”.

New sections 58 and 59

214 Sections 58 and 59 are repealed and the following substituted:**“Lapsing of lien**

58(1) Subject to subsection (2), a registered interest based on a claim of lien may be lapsed in accordance with *The Land Titles Act, 2000*.

(2) A registered interest based on a claim of lien may not be lapsed where any of the following interests have been registered:

(a) an interest based on a certificate of action issued pursuant to subsection 86(5);

(b) an interest based on a court order extending the time for commencing an action mentioned in subsection 55(4).

“Discharging lien where registered against Crown land

59(1) A claim of lien is not registrable against title where the Crown is the registered owner of the land.

(2) Where a claim of lien is registered in contravention of subsection (1), within 30 days after the mailing of the notice mentioned in subsection 50(7), the Crown may apply to the registrar, in the prescribed form and in accordance with section 65 of *The Land Titles Act, 2000*, to discharge the registration”.

Section 61 amended

215(1) Subsection 61(2) is repealed and the following substituted:

“(2) On application to the registrar, the registration of an interest based on a certificate of action in the Land Titles Registry may be discharged.

“(2.1) An application pursuant to subsection (2) must include a certificate, in the prescribed form, of the registrar of the Court of Appeal, the local registrar of the court at the judicial centre in which the action is pending, or a deputy of either of them, certifying that:

(a) the plaintiff has filed a notice of discontinuance and all other lien claimants who are parties to the action have consented to discontinuance of the action; or

(b) the action has been finally determined at trial or on appeal, and any further right of appeal has expired”.

(2) Subsection 61(3) is amended by striking out “register a withdrawal of the certificate of action in the prescribed form” and substituting “apply to the registrar, in the prescribed form, to discharge the registration of the certificate of action”.

New section 62

216 Section 62 is repealed and the following substituted:**“Land title requirements**

62 The registration of an interest based on a claim of lien or an interest based on a certificate of action may be discharged on application to the registrar accompanied by an order or certificate vacating or discharging the interest”.

Section 63 amended**217 Subsection 63(1) is repealed and the following substituted:**

“(1) Where an interest based on a claim of lien is registered pursuant to section 50, registration of the interest may be discharged:

(a) in whole or as to the whole of a parcel of land, by the registration of a discharge, in the prescribed form, executed by the lien claimant or his or her agent authorized under a power of attorney; or

(b) in part, by the registration of an amendment, in the prescribed form, executed by the lien claimant or his or her agent authorized under a power of attorney.

“(1.1) Where a claim of lien is registered pursuant to section 51, the lien may be discharged either in whole or in part, or as to the whole or any part of the land, by the registration of a discharge, in the prescribed form, executed by the lien claimant or his or her agent authorized under a power of attorney.

“(1.2) Where a claim of lien has been given pursuant to section 52, the lien may be discharged either in whole or in part, or as to the whole or any part of the land, by a discharge, in the prescribed form:

(a) executed by the lien claimant or his or her agent authorized under a power of attorney; and

(b) given to the owner in the manner set out in section 52 for the giving of the claim”.

Section 64 amended**218 Section 64 is repealed and the following substituted:****“Discharge irrevocable**

64(1) A discharge of a lien, when registered pursuant to section 50, is irrevocable and the discharged lien cannot be revived.

(2) A discharge of a lien, when registered pursuant to section 51 or 52, is irrevocable and the discharged lien cannot be revived.

(3) No discharge affects the right of a person whose lien was discharged to register a claim of lien with respect to services or materials provided by that person subsequent to the provision of services or materials with respect to which the discharge is registered”.

Section 71 amended**219 Subsection 71(2) is amended by striking out “transfer of the land” and substituting “transfer of title for the parcel of land”.****Section 74 amended****220 Section 74 is amended by striking out “void against all other persons entitled to a lien on the land” and substituting “subject to all other liens on the land”.****Section 88 amended****221 Clause 88(2)(d) is amended by striking out “Office” and substituting “Registry”.**

Section 97 amended

222 Subsection 97(3) is amended:

- (a) by striking out “vacated” and substituting “discharged”; and
- (b) by striking out “vacating” and substituting “discharging”.

DIVISION 4
The Cemeteries Act

R.S.S. 1978, c.C-4 amended

223 *The Cemeteries Act* is amended in the manner set forth in this Division.

Section 11 amended

224(1) Subsection 11(1) is amended by striking out “register a plan of subdivision under *The Land Titles Act*” and substituting “submit a plan of subdivision to the Controller of Surveys for approval pursuant to *The Land Surveys Act, 2000*”.

(2) Subsection 11(2) is amended by striking out “*The Land Titles Act*” and substituting “*The Land Titles Act, 2000*”.

Section 54 amended

225 Subsection 54(2) is repealed.

DIVISION 5
The Cemeteries Act, 1999

S.S. 1999, c.C-4.01, section 47 amended

226 Subsection 47(2) of *The Cemeteries Act, 1999* is amended by striking out “*The Land Titles Act* does” and substituting “*The Land Titles Act, 2000* and *The Land Surveys Act, 2000* do”.

DIVISION 6
The Companies Act

R.S.S. 1978, c.C-23 amended

227 *The Companies Act* is amended in the manner set forth in this Division.

Section 49 amended

228 Subsection 49(2) is repealed and the following substituted:

“(2) A change of name entered on the register in accordance with section 48 has the effect of changing the former name of the company to the new name on all titles and interests in the Land Titles Registry held in the former name of the company”.

Section 187 amended

229 Subsection 187(2) is amended by striking out “*The Land Titles Act*” and substituting “*The Land Titles Act, 2000*”.

DIVISION 7
The Conservation Easements Act

S.S. 1996, c.C-27.01 amended

230 *The Conservation Easements Act* is amended in the manner set forth in this Division.

New sections 7 to 9

231 Sections 7 to 9 are repealed and the following substituted:

“Conservation easement notice to be registered

7(1) An interest based on a conservation easement may be registered in the Land Titles Registry against the affected titles.

(2) The registration of an interest pursuant to subsection (1) is not valid unless:

(a) the application for registration of the interest is accompanied by a conservation easement notice in the form prescribed in the regulations; and

(b) according to the conservation easement notice, all persons with interests appearing on the affected titles have been served with a notice of intent pursuant to section 8.

(3) A conservation easement has no effect until:

(a) an executed copy of the conservation easement has been provided to the department;

(b) the fees prescribed in the regulations have been paid to the department; and

(c) an interest based on the conservation easement is registered, in accordance with this Act and the regulations, in the Land Titles Registry against the affected titles.

“Notice of intent to be provided

8(1) Before applying to the Registrar of Titles to register an interest based on a conservation easement, the proposed holder of the conservation easement shall serve a notice of intent, in the form prescribed in the regulations, on:

(a) all persons with interests against the affected titles; and

(b) the municipality in which the land affected by the easement is located.

(2) A person served with a notice of intent pursuant to subsection (1) who objects to the registration of the interest may apply, within 60 days after being served with the notice of intent, to the Court of Queen’s Bench for an order that the interest based on the conservation easement is not valid.

(3) On an application pursuant to subsection (2), the court, if satisfied that the proposed conservation easement would adversely affect the interests of the applicant, may order that the interest based on the conservation easement is not valid.

(4) Where no person makes an application to the court within 60 days after being served with the notice of intent, the interest based on the conservation easement may be submitted to the Land Titles Registry for registration.

“Priority of other interests

9(1) Subject to subsection (3) and section 27 of *The Tax Enforcement Act*, an interest based on a conservation easement that is registered pursuant to this Act does not have priority over:

- (a) a prior interest registered or filed respecting the title affected by the conservation easement; or
- (b) the interests implied against the affected title pursuant to *The Land Titles Act, 2000*.

(2) The registration of an interest based on a conservation easement does not limit or otherwise impair the rights, including the rights of enforcement and realization, under any prior interest or an implied interest mentioned in subsection (1).

(3) A person with a prior registered interest may postpone that interest in favour of an interest based on a conservation easement in accordance with section 62 of *The Land Titles Act, 2000*”.

Section 10 amended

232(1) Subsection 10(1) is repealed and the following substituted:

“(1) A conservation easement may be terminated:

- (a) by a written agreement between the holder and the registered owner of the title to the land against which the interest based on the conservation easement is registered;
- (b) by the Court of Queen’s Bench on application:
 - (i) by the holder or registered owner of the title to the land, where the court is of the opinion that continuation of the easement would produce a severe hardship for the applicant; or
 - (ii) by any person where the holder ceases to exist”.

(2) Subsection 10(3) is repealed and the following substituted:

“(3) The registration of an interest based on a conservation easement may be discharged by applying to the Registrar of Titles to discharge the registration.

“(4) An application for discharge pursuant to subsection (3) must be accompanied by:

- (a) a notice of discharge in the form prescribed in the regulations; or
- (b) a copy of a court order issued pursuant to clause (1)(b) directing the Registrar of Titles to discharge the registration of the interest”.

Section 12 amended

233 Clause 12(d) is repealed and the following substituted:

“(d) respecting procedures for registering an interest based on a conservation easement and amending that registration”.

DIVISION 8

The Credit Union Act, 1985

S.S. 1984-85-86, c.C-45.1 amended

234 *The Credit Union Act, 1985* is amended in the manner set forth in this Division.

Section 2 amended

235 Clause 2(2)(a) is repealed and the following substituted:

“(a) is the registered owner of any title or the holder of any interest registered in the Land Titles Registry”.

Section 204 amended

236 Subsection 204(2) is amended by striking out “register its title in accordance with *The Land Titles Act*” **and substituting** “have title registered in its name in the Land Titles Registry in accordance with *The Land Titles Act, 2000*”.

DIVISION 9

The Credit Union Act, 1998

S.S. 1998, c.C-45.2, section 6 amended

237 Clause 6(a) of *The Credit Union Act, 1998* is repealed and the following substituted:

“(a) is the registered owner of any title or the holder of any interest registered in the Land Titles Registry”.

DIVISION 10

The Crown Minerals Act

S.S. 1984-85-86, c.C-50.2 amended

238 *The Crown Minerals Act* is amended in the manner set forth in this Division.

New section 23.11

239 Section 23.11 is repealed and the following substituted:

“Registration directed by minister

23.11(1) In this section and in section 23.2:

(a) ‘**registered**’ means registered as defined in *The Land Titles Act, 2000*;

(b) ‘**Registrar**’ means the Registrar as defined in *The Land Titles Act, 2000*.

(2) The minister may, by order, direct the Registrar to issue a new title, register an interest against a title, or amend a title or an interest, as the case may require, to register the transfer to and vesting of the oil and gas rights in the Crown where:

(a) oil and gas rights were transferred to and vested in Her Majesty in right of Saskatchewan pursuant to *The Oil and Gas Conservation, Stabilization and Development Act*; and

(b) either:

(i) no title was issued, or no interest was registered against title, as the case may require, to register the transfer to and vesting of the oil and gas rights in the Crown; or

(ii) a new title was issued, or an interest was registered against a title and, in the opinion of the minister, the title or interest requires an amendment.

(3) On the filing of an order pursuant to subsection (2), the Registrar shall issue a new title, register an interest against a title, or amend a title or interest, as the case may require, in accordance with the order.

(4) Oil and gas rights are deemed not to have been transferred to and vested in the Crown pursuant to *The Oil and Gas Conservation, Stabilization and Development Act* where, on and from a prescribed day, the transfer and vesting has not been registered by the issuance of a new title, the registration of an interest against a title, or the amendment of a title or an interest”.

Section 23.7 amended

240 Clause 23.7(i) is amended by striking out “certificate of title” and substituting “title to the trust lands”.

DIVISION 11
The Dependent Adults Act

S.S. 1989-90, c.D-25.1 amended

241 *The Dependent Adults Act* is amended in the manner set forth in this Division.

Section 20 amended

242 Clause 20(1)(j) is repealed and the following substituted:

“(j) the authority to apply on behalf of the dependent adult as surviving joint tenant to the Registrar of Titles to enable the dependent adult to be registered as owner”.

New sections 29 and 30

243 Sections 29 and 30 are repealed and the following substituted:

“Notice to Registrar of Titles

29(1) A property guardian shall notify the Registrar of Titles, in accordance with section 40 of *The Land Titles Act, 2000*, of the property guardian’s authority to act, accompanied by the form prescribed in the regulations, and the notice shall set out the titles and interests in which the dependent adult has an interest.

(2) After the Registrar of Titles has been notified in accordance with subsection (1), any application for a transfer of title or an assignment of an interest to which the property guardian's notice applies must be authorized by the property guardian.

(3) Subsection (2) does not apply to:

(a) an application for a transfer of title or for an assignment of an interest based on a court order; or

(b) an application for registration of a transfer of title where the registered owner's consent is not required pursuant to *The Land Titles Act, 2000*.

“Withdrawal or amendment of notice

30(1) In any of the circumstances mentioned in subsection (2), the property guardian shall, as the case may require:

(a) notify the Registrar of Titles, in the form prescribed in the regulations of the withdrawal of the notice mentioned in subsection 29(1); or

(b) send an additional notice to the Registrar of Titles, setting out the titles and interests affected.

(2) The property guardian shall notify the Registrar of Titles pursuant to subsection (1) where:

(a) the appointment of the property guardian for which notice was sent pursuant to subsection 29(1) has been superseded, vacated or set aside;

(b) the dependent adult with respect to whom the notice was sent pursuant to subsection 29(1) does not have an interest in the title or interest described in the notice;

(c) an error has been made in the notice sent pursuant to subsection 29(1); or

(d) the dependent adult with respect to whom the notice was sent pursuant to subsection 29(1) dies.

(3) Where a title or interest to which the property guardian's notice applies is transferred or assigned and the transfer or assignment is signed by the property guardian, the registration of the transfer of title or the assignment of the interest in the Land Titles Registry is deemed to be a withdrawal of the notice mentioned in subsection 29(1).

(4) Where the property guardian applies to the Registrar of Titles to withdraw the notice mentioned in subsection 29(1) on the grounds stated in clause (2)(d), the property guardian shall attach to the application a death certificate indicating the death of the dependent adult”.

DIVISION 12
The Executions Act

R.S.S. 1978, c.E-12 amended

244 *The Executions Act* is amended in the manner set forth in this Division.

New section 2.3

245 The following section is added after section 2.2:

“Writ to bind all lands of debtor

2.3(1) On the coming into force of this section, every writ of execution must be issued against goods and lands.

(2) Once a writ of execution is issued in accordance with subsection (1):

- (a) it binds goods and is effective in accordance with section 2.2; and
- (b) it binds lands in accordance with section 26”.

New sections 11 and 11.1

246 Section 11 is repealed and the following substituted:

“Powers of sheriff re: registration in Land Titles Registry

11(1) A sheriff charged with the execution of a writ of execution against goods may seize under that writ any mortgage against real property in favour of the execution debtor for which an interest based on the mortgage has been registered in the Land Titles Registry.

(2) Seizure pursuant to subsection (1) is effected by:

- (a) registering the writ of execution in the Saskatchewan Writ Registry; and
- (b) registering an interest based on the writ of execution in the Land Titles Registry against the interest based on the mortgage.

(3) The interest based on the mortgage mentioned in clause (2)(b) is not affected or charged by a writ of execution until the interest based on the writ of execution is registered in the Land Titles Registry in accordance with clause (2)(b).

(4) The mortgagor shall not be affected by the seizure pursuant to this section until a notice of the seizure has been personally served on the mortgagor, and any payments made by the mortgagor to the mortgagee before service of the notice are valid.

“Powers of sheriff

11.1(1) A sheriff charged with the execution of a writ of execution against goods may seize under that writ any registered security interest against personal property in favour of the execution debtor by delivering a notice in writing of the seizure to the proper officer in the office where the security interest is registered, but no security interest is affected or charged by a writ of execution until delivery of the notice.

(2) On receipt of the notice mentioned in subsection (1), the proper officer shall make an entry of the receipt in the register, for which he or she is entitled to a fee of 50 cents.

(3) The debtor under the security agreement shall not be affected by the seizure until a notice of the seizure has been personally served on the debtor, and any payments made by the debtor to the secured party before service of the notice are valid”.

Section 22 amended

247(1) Subsection 22(1) is amended by striking out “A person entitled to issue a writ of execution against goods,” **and substituting** “Where a writ of execution has been issued for goods only, a person”.

(2) Subsection 22(2) is repealed and the following substituted:

“(2) Where a sheriff has in his or her hands any writ of execution then in force issued against lands of an execution debtor and the writ has been registered in the Saskatchewan Writ Registry and as an interest in the Land Titles Registry against a title or interest, the sheriff to whom the writ is directed for execution or the sheriff who becomes charged with the execution of the writ pursuant to subsection 25(3) may, subject to the other provisions of this Act, sell lands or interests that are held subject to a lien and charge created pursuant to section 173 of *The Land Titles Act, 2000* by the registration of an interest based on the writ of execution against the title or interest of the execution debtor”.

(3) Subsection 22(3) is amended by striking out “subsection 180(3) of *The Land Titles Act*” **and substituting** “section 173 of *The Land Titles Act, 2000*”.

Section 23 amended

248(1) Clause 23(1)(b) is amended by striking out “created under subsection 180(3) of *The Land Titles Act*” **and substituting** “registered pursuant to section 173 of *The Land Titles Act, 2000*”.

(2) Subsection 23(4) is amended by striking out “created under subsection 180(3) of *The Land Titles Act*” **and substituting** “registered pursuant to section 173 of *The Land Titles Act, 2000*”.

Section 24 amended

249 Clause 24(1)(a) is amended:

(a) in subclause (ii) by striking out “appropriate land titles office to have an encumbrance upon the land” **and substituting** “Land Titles Registry to have an interest in the land”; **and**

(b) in the portion following subclause (ii) by striking out “land title office” **and substituting** “Land Titles Registry”.

New sections 26 to 28

250 Sections 26 to 28 are repealed and the following substituted:

“Registration and renewal of writs

26(1) The sheriff or other duly qualified officer, on the delivery to him or her hereafter of a writ of execution then in force affecting land, shall, if the writ has not already been registered in the Saskatchewan Writ Registry, register the writ in the Saskatchewan Writ Registry after the execution creditor named in the writ has paid the sheriff or other officer:

(a) \$1; and

(b) the amount of the Registrar of Titles’ fee.

(2) After a writ of execution is registered in the Saskatchewan Writ Registry, during the period that the writ of execution is in force, the writ binds and forms a lien and charge on any future acquired titles or interests of the debtor in accordance with subsection (4).

(3) The sheriff shall, on the direction of the execution creditor, register an interest based on a writ of execution in the Land Titles Registry against any title owned or interest held by the execution debtor.

(4) After an interest based on a writ of execution is registered against a title or against another interest in the Land Titles Registry, during the period that the writ of execution is in force, the writ binds and forms a lien and charge on the parcel of land included in the title or on the supporting interest, including:

(a) any title or interest held under joint tenancy until the joint tenancy is terminated by death; and

(b) land declared by *The Exemptions Act* or Part V of *The Saskatchewan Farm Security Act* to be free from seizure by virtue of writs of execution.

(5) Nothing contained in subsection (4) authorizes the sheriff to sell any land declared by *The Exemptions Act* or Part V of *The Saskatchewan Farm Security Act* to be free from seizure by virtue of writs of execution.

(6) Every writ of execution issued on a judgment or order dated on or after September 1, 1942 must state the date of the judgment or order on which it is issued.

(7) Every writ mentioned in subsection (6) that is registered in the Saskatchewan Writ Registry, at the expiration of 10 years after the date of the judgment or order on which the writ was issued, ceases to bind or affect the land or any interest of the execution debtor.

(8) The period commencing on March 27, 1933 and ending on April 1, 1944 must not be included in calculating the 10-year period mentioned in subsection (7).

“Assignment of execution

27 If an execution is assigned, from the time of registration of the assignment in the Saskatchewan Writ Registry or the Personal Property Registry, the assignee has the same rights as those held at that time by the assignor.

“Satisfaction or withdrawal of writ

28 On the satisfaction or withdrawal of a writ that has been registered in the Saskatchewan Writ Registry or registered in accordance with section 11, the sheriff or other duly qualified officer shall submit an application for discharge of the writ to the Saskatchewan Writ Registry”.

Section 29 amended

251 Section 29 is amended by striking out “certificate of” wherever it appears.

Section 31 amended

252 Section 31 is amended:

- (a) by renumbering it as subsection 31(1); and
- (b) by adding the following subsection after subsection (1):

“(2) The Registrar of the Personal Property Registry shall register every writ of execution registered pursuant to subsection (1) in the Saskatchewan Writ Registry”.

Section 35 amended

253 Section 35 is amended by striking out “but he shall not forward a certified copy of the writ to any land titles office unless instructed to do so by the execution creditor or his solicitors and the prescribed fees are paid”.

Section 36 amended

254(1) Subsection 36(1) is amended:

- (a) in the portion preceding clause (a) by striking out “*The Land Titles Act*” and substituting “*The Land Titles Act, 2000*”;
- (b) in clause (b) by striking out “a certified copy thereof is received by the registrar of land titles” and substituting “the writ is registered in the Saskatchewan Writ Registry”; and
- (c) in the portion following clause (b) by striking out “receipt by the registrar of a certified copy” and substituting “registration in the Saskatchewan Writ Registry”.

(2) Subsection 36(3) is repealed and the following substituted:

“(3) The writ of execution issued on the new judgment must contain a statement to the following effect:

“This writ of execution is issued on a judgment obtained in an action on a former judgment, and if the writ is delivered to the sheriff or if the writ, if it affects land, is registered in the Saskatchewan Writ Registry, before the _____ day of _____, _____, (fill in the date of expiry by passage of time of the writ mentioned in clause 36(1)(a) of *The Executions Act*), the writ shall have the priority or priorities provided by section 36 of *The Executions Act*”.

(3) Subsection 36(5) is repealed and the following substituted:

“(5) A writ of execution issued on a new judgment and endorsed by the sheriff in accordance with this section may be submitted for registration in the Saskatchewan Writ Registry as a renewal or amendment of the writ mentioned in clause (1)(a)”.

DIVISION 13
The Expropriation Act

R.S.S. 1978, c.E-15, new section 31

255 Section 31 of *The Expropriation Act* is repealed and the following substituted:

“Execution of transfer of title

31(1) Where the power to take possession of lands becomes vested in an applicant pursuant to this Act, the registered owner or the person having power to execute a transfer of title for the lands shall, on demand by the applicant, execute and deliver a transfer of title to the applicant.

(2) Where the registered owner or the person having power to execute a transfer of title is incapable of doing so or refuses to do so, and the parcel of land being expropriated is shown as a parcel on a plan and has been titled, the applicant shall apply to the Registrar of Titles for a transfer of title.

(3) An application pursuant to subsection (2) must be accompanied by a notice, signed by the minister, that the land is required pursuant to this Act.

(4) On receipt of an application pursuant to subsection (2), the Registrar of Titles shall issue title in the name of the applicant in accordance with *The Land Titles Act, 2000*.

(5) Where the registered owner or the person having power to execute a transfer of title is incapable of doing so or refuses to do so, and the parcel of land being expropriated has been titled but is not shown as a parcel on a plan, the applicant shall submit a plan, approved by the minister, to the Controller of Surveys for approval in accordance with *The Land Surveys Act, 2000*.

(6) After the Controller of Surveys approves the plan submitted pursuant to subsection (5), the applicant shall apply to the Registrar of Titles for issuance of title respecting the new parcel of land.

(7) An application pursuant to subsection (6) must be accompanied by a notice, signed by the minister, that the land is required pursuant to this Act.

(8) On receipt of an application pursuant to subsection (6), the Registrar of Titles shall issue title in the name of the applicant in accordance with *The Land Titles Act, 2000*”.

DIVISION 14
The Expropriation Procedure Act

R.S.S. 1978, c.E-16 amended

256 *The Expropriation Procedure Act* is amended in the manner set forth in this Division.

Section 2 amended

257 Clause 2(j) is repealed and the following substituted:

“(j) ‘**registered owner**’ means a registered owner as defined in *The Land Titles Act, 2000* unless another person has purchased the land pursuant to an agreement for sale and registered an interest based on the agreement against the title in the Land Titles Registry, in which case it means that other person”.

New sections 10 to 12

258 Sections 10 to 12 are repealed and the following substituted:**“Expropriation of land**

10(1) Where an expropriating authority desires to expropriate land that is shown as a parcel on a plan and for which title has issued, the expropriating authority shall apply to the Registrar of Titles for registration of a transfer of title.

(2) An application pursuant to subsection (1) must be accompanied by a declaration of expropriation in Form B and signed:

(a) where the expropriating authority is Her Majesty in right of Saskatchewan, by the member of the Executive Council presiding over the department of the Government of Saskatchewan that has charge of the matter with respect to which the land is required, or by an officer of that department authorized in that behalf by the Lieutenant Governor in Council;

(b) where the expropriating authority is a person other than Her Majesty in right of Saskatchewan, by that person; and

(c) where the expropriating authority is an association or corporation, by the duly authorized officers under the seal of the association or corporation.

(3) Notwithstanding any other Act, on registration of the transfer of title mentioned in subsection (1):

(a) the land vests in the expropriating authority; and

(b) the Registrar of Titles shall issue title to the land to the expropriating authority, clear of all registered interests.

(4) Where an expropriating authority desires to expropriate land for which title has issued but that is not shown as a parcel on a plan, the expropriating authority shall submit a plan to the Controller of Surveys for approval in accordance with *The Land Surveys Act, 2000*.

(5) Where the Controller of Surveys approves a plan submitted pursuant to subsection (4):

(a) the land shown on the plan as being expropriated vests in the expropriating authority; and

(b) the expropriating authority shall apply to the Registrar of Titles to have title to the expropriated land issued to it.

(6) An application pursuant to clause (5)(b) must be accompanied by a declaration of expropriation in Form B and signed in accordance with subsection (2).

(7) Notwithstanding any other Act, on registration of the transfer of title mentioned in clause (5)(b), the Registrar of Titles shall issue title to the land to the expropriating authority, clear of all registered interests.

“Land vests in expropriating authority

11(1) Where an expropriating authority is by statute empowered, without title first being vested in the expropriating authority or compensation first determined, to enter on land and to take possession or to dedicate land, the expropriating authority may enter on the land or dedicate the land in the manner prescribed by the statute authorizing the entry or dedication.

(2) Where an expropriating authority enters on land or dedicates land in accordance with subsection (1), the expropriating authority shall apply to the Registrar of Titles to register an interest based on a notice of possession or dedication.

(3) An application pursuant to subsection (2) must be accompanied by a notice of possession or dedication that includes:

- (a) a description of the parcel on which the possession or dedication occurred;
- (b) a general description of the nature and extent of the interest expropriated; and
- (c) an address to which inquiries may be directed.

(4) Where an interest has been registered and possession taken or dedication made pursuant to this section, the expropriating authority shall, within one year of the possession or dedication, expropriate the land in accordance with section 10.

(5) Notwithstanding this Act or any other Act, a registered interest based on an easement created pursuant to *The Public Utilities Easements Act* or pursuant to *The Pipelines Act, 1998* or any former *Pipe Lines Act* with respect to a pipeline does not vest in the expropriating authority unless:

- (a) the declaration of expropriation submitted with an application to the Land Titles Registry pursuant to section 10 expressly states that the registered interest based on the easement is expropriated; or
- (b) the notice of possession or dedication submitted with an application to the Land Titles Registry pursuant to this section expressly states that the registered interest based on the easement is expropriated.

“Expropriation of land for limited time or of limited estate

12(1) Where an expropriating authority desires to expropriate land for a limited time only or for a limited estate, right or interest, and that land is shown as a parcel on a plan and title has issued for that parcel, the expropriating authority shall apply to the Registrar of Titles for registration of a transfer of title.

(2) An application pursuant to subsection (1) must be accompanied by a declaration of expropriation in Form B:

- (a) signed in accordance with subsection 10(2); and
- (b) setting out the limited time for which the land is to be taken or the limited estate, right or interest that is to be taken.

(3) Notwithstanding any other Act, on registration of the transfer of title mentioned in subsection (1):

- (a) the land vests in the expropriating authority; and
- (b) the Registrar of Titles shall issue title to the land to the expropriating authority, clear of all registered interests”.

Section 13 amended

259 Subsection 13(2) is amended by striking out “in the case of the filing of a declaration of expropriation” **and substituting** “after a declaration of expropriation has been submitted to the Land Titles Registry”.

New section 14

260 Section 14 is repealed and the following substituted:

“Correction of declaration of expropriation

14(1) Where there is an omission, mis-statement or error in a declaration of expropriation submitted pursuant to section 10 or 12, the expropriating authority may submit a new declaration to the Land Titles Registry to replace or amend the original declaration.

(2) A new declaration submitted pursuant to subsection (1) is deemed to replace the original declaration and has effect as if it had been submitted at the time the original declaration was submitted.

(3) Where an amending declaration is submitted pursuant to subsection (1), the original declaration has effect as if it had been submitted in its amended form”.

Section 15 amended

261 Section 15 is amended by striking out “registrar of land titles in whose office the declaration is filed” **and substituting** “Registrar of Titles”.

Section 16 repealed

262 Section 16 is repealed.

New section 17

263 Section 17 is repealed and the following substituted:

“Expropriation of mines and minerals

17 Where an expropriating authority empowered to expropriate mines and minerals desires to expropriate any or all mines and minerals, it shall do so in accordance with section 10”.

Section 18 repealed

264 Section 18 is repealed.

Section 20 amended

265 Subsection 20(1) is repealed and the following substituted:

“(1) After applying to the Registrar of Titles pursuant to section 10, 11 or 12, the expropriating authority shall serve:

- (a) on the registered owner of the land expropriated a notice of compulsory acquisition in Form C setting out:
 - (i) a description of the land;
 - (ii) the interest in the land;
 - (iii) the purpose for which the land or interest is required;

- (iv) the day on which possession was taken or is required;
- (v) the address to which claims may be forwarded; and
- (vi) the time within which an action for compensation must be commenced; and

(b) on each person who appears by the records of the Land Titles Registry to have, or who is known to the expropriating authority to have, an interest in the land, a copy of the notice served on the registered owner pursuant to clause (a)".

Section 21 amended

266 Section 21 is amended by striking out "subsection (2) of section 11" and substituting "subsections 11(1), (2) and (3)".

Section 48 amended

267 Subsection 48(1) is repealed and the following substituted:

"(1) In this section, '**former owner**' means the owner from whom the land was expropriated and those entitled to claim under him or her.

"(1.1) Where, at any time before the trial of an action for compensation, the land to which the action relates is no longer required for the purposes of the expropriating authority, and where that land is shown as a parcel on a plan and title has issued for that parcel, the expropriating authority may:

- (a) apply to the Registrar of Titles to transfer title in favour of the former owner; and
- (b) serve a notice on the former owner declaring that the land is not required and is abandoned by the expropriating authority.

"(1.2) Where, at any time before the trial of an action for compensation, a portion of the land to which the action relates is no longer required for the purposes of the expropriating authority, and where title has issued for that land but the land is not shown as a parcel on a plan, the expropriating authority may:

- (a) submit a plan to the Controller of Surveys for approval in accordance with *The Land Surveys Act, 2000*;
- (b) after the plan has been approved by the Controller of Surveys, apply to the Registrar of Titles to have title issue in favour of the former owner respecting the new parcel of land; and
- (c) serve a notice on the former owner declaring that the portion of land is not required and is abandoned by the expropriating authority.

"(1.3) Where, at any time before the trial of an action for compensation, it is found that an interest only is required in the parcel of land to which the action relates, and where that land is shown as a parcel on a plan and title has issued for that parcel, the expropriating authority may:

- (a) apply to the Registrar of Titles to transfer title in favour of the former owner;
- (b) expropriate the interest in accordance with section 21; and
- (c) serve a notice on the former owner advising that the expropriating authority only requires the interest that is mentioned in the notice".

Section 49 amended

268 Subsection 49(2) is amended by striking out “filed pursuant to section 10” **and substituting** “submitted to the Land Titles Registry pursuant to section 10 or 12”.

Schedule, Form B amended

269 Form B of the Schedule is amended:

(a) by striking out “Registrar of the _____ Registration District” **and substituting** “Registrar of Titles”; **and**

(b) by striking out “to comply with section 17 of *The Expropriation Procedure Act*”.

Schedule, Form C amended

270 Form C of the Schedule is amended:

(a) by striking out “filed” **and substituting** “submitted”; **and**

(b) by striking out “land titles office for the _____ Registration District” **and substituting** “Land Titles Registry”.

DIVISION 15

*The Farming Communities Land Act***R.S.S. 1978, c.F-10 amended**

271 *The Farming Communities Land Act* is amended in the manner set forth in this Division.

Section 2 amended

272 Section 2 is amended by striking out “certificates of title” **and substituting** “titles”.

Section 3 amended

273(1) Subsection 3(1) is amended by striking out “land titles office” **and substituting** “Land Titles Registry”.

(2) Subsection 3(3) is repealed and the following substituted:

“(3) The local registrar shall register an interest based on the notice of the hearing in the Land Titles Registry against the affected titles”.

New section 4

274 Section 4 is repealed and the following substituted:

“Dealings with land prohibited

4 After an interest is registered against the affected titles in accordance with subsection 3(3) and until registration of that interest is discharged pursuant to section 10, no person shall:

(a) register a transfer of that title or titles; or

(b) register any interest against that title or titles”.

Section 5 amended**275 Clauses 5(c) and (d) are repealed and the following substituted:**

“(c) specify the registered interests to which each block or lot is subject, and, if necessary, divide and apportion any registered interest affecting two or more blocks or lots if those blocks or lots are not found to belong to the same person;

“(d) direct:

(i) the Controller of Surveys, on receipt of the plan of subdivision mentioned in section 7, to approve the plan; and

(ii) the Registrar of Titles to issue titles to the parcels shown on the plan, in the names of the persons found by the judge to be entitled to those parcels, subject to the registered interests specified in the order”.

Section 6 repealed**276 Section 6 is repealed.****New sections 7 and 8****277 Sections 7 and 8 are repealed and the following substituted:****“Surveys and plans**

7 A preliminary or other survey required to be made on the ground for the purpose of the subdivision and preparation of the plan of subdivision must be made by a Saskatchewan land surveyor retained by the owners of the land.

“Approval of plan and issuance of titles

8(1) The plan of subdivision made pursuant to section 7 may be submitted to the Controller of Surveys, together with a certified copy of the order made pursuant to section 5.

(2) Where the plan of subdivision has been submitted to the Controller and approved in accordance with clause 5(d), an application to issue title, accompanied by a certified copy of the order, may be submitted to the Land Titles Registry”.

Section 9 repealed**278 Section 9 is repealed.****New section 10****279 Section 10 is repealed and the following substituted:****“Procedure where no order made pursuant to section 5**

10 If no order is made pursuant to section 5, the local registrar shall discharge any interests registered pursuant to subsection 3(3)”.

Section 11 repealed**280 Section 11 is repealed.**

DIVISION 16
The Freehold Oil and Gas Production Tax Act

S.S. 1982-83, c.F-22.1, section 28 amended

281 Clause 28(1)(b) of *The Freehold Oil and Gas Production Tax Act* is amended by striking out “used to describe the mineral land area in the certificate of title” and substituting “shown on the plan approved by the Controller of Surveys for that parcel of land”.

DIVISION 17
The Grasslands National Park Act

S.S. 1989-90, c.G-7.1 amended

282 *The Grasslands National Park Act* is amended in the manner set forth in this Division.

Section 2 amended

283 Section 2 is amended:

(a) by repealing clause (c); and

(b) by repealing clause (e) and substituting the following:

“(e) ‘**Registrar of Titles**’ means the Registrar as defined in *The Land Titles Act, 2000*”.

Section 4 amended

284 Subsection 4(3) is repealed and the following substituted:

“(3) Notwithstanding *The Land Titles Act, 2000*, the Registrar of Titles may do either or both of the following where necessary to comply with the Grasslands National Park Agreement and this Act:

(a) issue a title in any form; or

(b) amend a title in any manner”.

DIVISION 18
The Heritage Property Act

S.S. 1979-80, c.H-2.2 amended

285 *The Heritage Property Act* is amended in the manner set forth in this Division.

Section 2 amended

286 Section 2 is amended:

(a) in subclause (n)(i) by striking out “property as shown on the certificate of title for the property in the land titles office” and substituting “parcel of land as shown on the title in the Land Titles Registry”; and

(b) in clause (n.3) by striking out “certificate of title for the property in the land titles office” and substituting “title for the parcel of land in the Land Titles Registry”.

Section 8 amended

287 Clause 8(d) is amended by striking out “to be registered by a municipality in a land titles office”.

Section 11 amended

288(1) Subsection 11(2) is amended:

(a) in clause (d) by striking out “a notice of intention against all property included in the proposed bylaw in the appropriate land titles office” **and substituting** “an interest based on a notice of intention in the Land Titles Registry against all titles for the parcels of land included in the proposed bylaw”; **and**

(b) in clause (e) by striking out “a Heritage Conservation District notice against all property included in the proposed bylaw in the appropriate land titles office” **and substituting** “an interest based on a Heritage Conservation District notice in the Land Titles Registry against all titles for the parcels of land included in the proposed bylaw”.

(2) Clauses 11(3)(b) and (c) are repealed and the following substituted:

“(b) in the case of a bylaw to designate Municipal Heritage Property, discharge the interest registered pursuant to clause (2)(d); and

“(c) in the case of a bylaw to designate a Municipal Heritage Conservation District, discharge the interest registered pursuant to clause (2)(e)”.

Section 12 amended

289(1) Clause 12(3)(c) is repealed and the following substituted:

“(c) in the case of a bylaw to designate Municipal Heritage Property, register an interest based on the designation bylaw in the Land Titles Registry against all titles for the parcels of land included in the bylaw”.

(2) Subsection 12(4) is repealed and the following substituted:

“(4) On registration of an interest in accordance with clause (3)(c), any interest based on a notice of intention that was registered in the Land Titles Registry pursuant to clause 11(2)(d) is deemed to be discharged”.

Section 13 amended

290 Clauses 13(4)(a) and (b) are repealed and the following substituted:

“(a) in the case of a bylaw to designate Municipal Heritage Property, discharge any interest based on a notice of intention that was registered in the Land Titles Registry pursuant to clause 11(2)(d);

“(b) in the case of a bylaw to designate a Municipal Heritage Conservation District, discharge any interest based on the Heritage Conservation District notice that was registered in the Land Titles Registry pursuant to clause 11(2)(e)”.

Section 16 amended

291(1) Clauses 16(2)(a) and (b) are repealed and the following substituted:

“(a) in the case of a bylaw to designate Municipal Heritage Property, discharge any interest based on a notice of intention that was registered in the Land Titles Registry pursuant to clause 11(2)(d);

“(b) in the case of a bylaw to designate a Municipal Heritage Conservation District, discharge any interest based on the Heritage Conservation District notice that was registered in the Land Titles Registry pursuant to clause 11(2)(e)”.

(2) Clauses 16(3)(a) and (b) are repealed and the following substituted:

“(a) in the case of a bylaw to designate Municipal Heritage Property, discharge any interest based on a notice of intention that was registered in the Land Titles Registry pursuant to clause 11(2)(d);

“(b) in the case of a bylaw to designate a Municipal Heritage Conservation District, discharge any interest based on the Heritage Conservation District notice that was registered in the Land Titles Registry pursuant to clause 11(2)(e)”.

Section 17 amended

292 Subsection 17(2) is amended:

(a) in clause (d) by striking out “a notice of intention against that property in the appropriate land titles office” and substituting “an interest based on the notice of intention in the Land Titles Registry against all affected titles”; and

(b) in clause (e) by striking out “a Heritage Conservation District notice against that property in the appropriate land titles office” and substituting “an interest based on a Heritage Conservation District notice in the Land Titles Registry against all affected titles”.

Section 18 amended

293(1) Clauses 18(3)(c) and (d) are repealed and the following substituted:

“(c) where an amendment has the effect of adding Municipal Heritage Property to the designation, register an interest based on the notice of designation in the Land Titles Registry against all affected titles;

“(d) where an amendment or repeal has the effect of removing property from the designation:

(i) in the case of an amendment or repeal concerning Municipal Heritage Property, discharge any interest based on the notice of designation that was registered in the Land Titles Registry pursuant to clause 12(3)(c); and

(ii) in the case of an amendment or repeal concerning property in a Municipal Heritage Conservation District, discharge any interest based on the Heritage Conservation District notice that was registered in the Land Titles Registry pursuant to clause 11(2)(e)”.

(2) Subsection 18(4) is repealed and the following substituted:

“(4) On registration of an interest in accordance with clause (3)(c), any interest based on a notice of intention that was registered in the Land Titles Registry pursuant to clause 17(2)(d) is deemed to be discharged”.

Section 19 amended**294 Clauses 19(4)(a) and (b) are repealed and the following substituted:**

“(a) in the case of a proposed amendment concerning Municipal Heritage Property, discharge any interest based on the notice of intention that was registered in the Land Titles Registry pursuant to clause 17(2)(d);

“(b) in the case of a proposed amendment concerning property proposed to be added to a Municipal Heritage Conservation District, discharge any interest based on the Heritage Conservation District notice that was registered in the Land Titles Registry pursuant to clause 17(2)(e)”.

Section 20 amended**295(1) Clauses 20(2)(a) and (b) are repealed and the following substituted:**

“(a) in the case of a proposed amendment concerning Municipal Heritage Property, discharge any interest based on a notice of intention that was registered in the Land Titles Registry pursuant to clause 17(2)(d);

“(b) in the case of a proposed amendment concerning property proposed to be added to a Municipal Heritage Conservation District, discharge any interest based on the Heritage Conservation District notice that was registered in the Land Titles Registry pursuant to clause 17(2)(e)”.

(2) Clauses 20(3)(a) and (b) are repealed and the following substituted:

“(a) in the case of a modification concerning Municipal Heritage Property, discharge any interest based on a notice of intention that was registered in the Land Titles Registry pursuant to clause 17(2)(d);

“(b) in the case of a modification concerning property proposed to be added to a Municipal Heritage Conservation District, discharge any interest based on the Heritage Conservation District notice that was registered in the Land Titles Registry pursuant to clause 17(2)(e)”.

Section 24 amended**296 Clauses 24(1)(b) and (c) are repealed and the following substituted:**

“(b) property for which an interest based on a notice of intention has been registered pursuant to clause 11(2)(d) or 17(2)(d) within 120 days after registration of that interest;

“(c) property for which an interest based on a Heritage Conservation District notice has been registered pursuant to clause 11(2)(e) or 17(2)(e) within 120 days after registration of that interest”.

New section 26**297 Section 26 is repealed and the following substituted:****“Notice by Registrar of Titles**

26(1) Where there is a transfer of title for any parcel of land that is designated property, the Registrar of Titles shall cause written notice of the change to be given:

- (a) to the municipality in which the property is situated; and
- (b) to the registrar.

(2) The notice mentioned in subsection (1) must contain the name and address of the new registered owner of the title”.

New section 30**298 Section 30 is repealed and the following substituted:****“Easements**

30(1) Any covenant or easement acquired by a council pursuant to clause 28(f):

- (a) continues to run with the property; and
- (b) may be assigned to any person who, as assignee, may enforce the easement or covenant as if the assignee were the council and the council owned no other land that would be accommodated or benefitted by the easement or covenant.

(2) An interest based on any covenant or easement acquired by a council pursuant to clause 28(f) may be registered in the Land Titles Registry against the titles of the property affected”.

Section 31 amended**299(1) Clause 31(9)(b) is repealed and the following substituted:**

“(b) may register an interest based on the costs incurred, in the Land Titles Registry, against the titles to the parcels of land to which the costs relate”.

(2) Subsection 31(10) is amended by striking out “property against which a caveat has been filed” and substituting “a title against which an interest has been registered”.

(3) Subsection 31(11) is repealed and the following substituted:

“(11) Where the total cost and interest owed by a registered owner of title are paid to a municipality, the municipality shall discharge any interest registered pursuant to subsection (9)”.

Section 39 amended**300 Clause 39(1)(b) is repealed and the following substituted:**

“(b) registering an interest based on the notice of intention in the Land Titles Registry”.

Section 41 amended**301(1) Clause 41(3)(b) is repealed and the following substituted:**

“(b) registered an interest based on the order in the Land Titles Registry”.

(2) The following subsection is added after subsection 41(3):

“(4) After an interest has been registered pursuant to clause (3)(b), any interest based on a notice of intention that was registered pursuant to clause 39(1)(b) is deemed to be discharged”.

Section 43 amended**302 Subclause 43(b)(iii) is repealed and the following substituted:**

“(iii) discharging any registered interest based on the notice of intention”.

Section 51 amended**303(1) Clause 51(3)(b) is repealed and the following substituted:**

“(b) may register an interest based on the costs incurred, in the Land Titles Registry, against the titles to the parcels of land to which the costs relate”.

(2) Subsection 51(4) is repealed and the following substituted:

“(4) Where an interest has been registered pursuant to subsection (3) against a title to a parcel of land that is Provincial Heritage Property, and the registered owner of title sells the property, the costs and interest incurred by the minister pursuant to this section with respect to that property are to be repaid to the minister”.

Section 52 amended

304 Clause 52(b) is repealed and the following substituted:

“(b) real property for which title has been issued pursuant to *The Land Titles Act, 2000*”.

Section 53 amended

305 Clause 53(2)(b) is repealed and the following substituted:

“(b) pursuant to the order, discharged any interest registered against the title of the affected property”.

Section 54 amended

306 Section 54 is amended by striking out “register a copy of the order against the affected property in the appropriate land titles office”:

(a) in subclause (2)(b)(iii); and

(b) in subclause (6)(b)(iii);

and in each case substituting “, pursuant to the order, discharge any interest registered against the title of the affected property”.

Section 55 amended

307 Clause 55(3)(b) is amended by striking out “a copy of the order in the appropriate land titles office” **and substituting** “an interest based on the order in the Land Titles Registry”.

Section 57 amended

308 Subsection 57(3) is amended by striking out “a copy of the order in the appropriate land titles office” **and substituting** “an interest based on the order in the Land Titles Registry”.

Section 59 amended

309(1) Subsection 59(1) is amended in the portion following clause (c) by striking out “in the appropriate land titles office” **and substituting** “as an interest based on the easement or covenant in the Land Titles Registry”.

(2) Subsections 59(2) and (3) are repealed and the following substituted:

“(2) An application to register an interest based on an easement or covenant entered into pursuant to subsection (1) must include a certificate of the minister or of the municipality that has entered into that easement or covenant, stating that the purpose of the easement or covenant is the protection of heritage property.

“(3) Where an interest based on an easement or covenant is registered pursuant to subsection (1), the easement or covenant runs with the property and is enforceable by the holder of the easement or covenant, whether the easement or covenant is positive or negative in nature, against the registered owner or any subsequent registered owner of the property, even though the holder of the easement or covenant owns no other land that would be accommodated or benefitted by the easement or covenant”.

DIVISION 19
The Highways and Transportation Act, 1997

S.S. 1997, c.H-3.01 amended

310 *The Highways and Transportation Act, 1997* is amended in the manner set forth in this Division.

New sections 14 to 15

311 Sections 14 and 15 are repealed and the following substituted:

“Survey and plan respecting public improvements

14(1) In this section and in section 14.1, **‘public improvement’** includes a reservoir or other water right.

(2) Subject to subsections 14.1(5), (6) and (7), the minister shall cause any lands taken for a public improvement pursuant to this Act to be surveyed and marked on the ground by a surveyor who shall prepare a proper plan of the survey in accordance with *The Land Surveys Act, 2000*.

(3) The minister may cause the following to be surveyed:

(a) a trail or roadway that exists or that existed before the survey of Saskatchewan into townships;

(b) an existing roadway for which title is being granted pursuant to clause 18(1)(c) of *The Land Titles Act, 2000*.

(4) The trails or roadways mentioned in subsection (3) are to be surveyed a minimum of 20 metres in width.

“Acquiring title to land for public improvements

14.1(1) Where the minister requires land for a public improvement, the minister shall submit a plan to the Controller of Surveys for approval in accordance with section 14.

(2) Where the Controller of Surveys approves a plan submitted pursuant to subsection (1), the minister shall apply to the Registrar of Titles for a transfer of title or for issuance of first title, as the case requires.

(3) An application pursuant to subsection (2) must be accompanied by a notice from the minister that the parcel is required for the purpose of a public improvement.

(4) On the registration of the transfer of title or on issuance of first title pursuant to subsection (2):

(a) the parcel of land vests in the Crown in right of Saskatchewan; and

(b) the Registrar of Titles shall issue title to the parcel of land to the Crown in right of Saskatchewan, clear of all registered interests.

(5) Notwithstanding subsections (1) to (4), where the minister requires, for a public improvement, a parcel of land that is shown as a parcel on a plan and for which title has issued, the minister shall apply to the Registrar of Titles for a transfer of title.

(6) An application pursuant to subsection (5) must be accompanied by a notice from the minister that the parcel is required for the purpose of a public improvement.

- (7) On the registration of the transfer of title pursuant to subsection (5):
- (a) the parcel of land vests in the Crown in right of Saskatchewan; and
 - (b) the Registrar of Titles shall issue title to the parcel of land to the Crown in right of Saskatchewan, clear of all registered interests.

“Reference surveys

15(1) Pursuant to clause 4(1)(e), the minister must approve any plan of reference survey that involves the construction of a public improvement carried out pursuant to section 27 of *The Land Surveys Act, 2000*.

(2) After the minister approves a plan mentioned in subsection (1), the plan may be submitted to the Controller of Surveys for approval pursuant to *The Land Surveys Act, 2000*.

(3) Where the Controller of Surveys approves a plan submitted pursuant to subsection (2), the person who submitted the plan to the Controller of Surveys pursuant to that subsection shall file a copy of the plan with the department”.

DIVISION 20

The Home Owners’ Protection Act

S.S. 1981-82, c.H-4.2, section 2 amended

312 Subclause 2(f)(iv) of *The Home Owners’ Protection Act* is repealed and the following substituted:

“(iv) a unit as defined in *The Condominium Property Act, 1993*, including the owner’s share in the common property”.

DIVISION 21

The Homesteads Act, 1989

S.S. 1989-90, c.H-5.1 amended

313 *The Homesteads Act, 1989* is amended in the manner set forth in this Division.

Section 2 amended

314 Subclause 2(c)(iv) is repealed and the following substituted:

“(iv) a unit as defined in *The Condominium Property Act, 1993*, including the owner’s share in the common property”.

Section 3 amended

315 Clause 3(a) is repealed and the following substituted:

“(a) a transfer of title, which transfers ownership of the homestead to a person other than the non-owning spouse is registered in accordance with *The Land Titles Act, 2000*”.

Section 7 amended

316 Subsection 7(5) is amended by striking out “section 64 of *The Land Titles Act*” and substituting “*The Land Titles Act, 2000* and the regulations made pursuant to that Act”.

Section 12 amended**317 Subsection 12(2) is repealed and the following substituted:**

“(2) In an action by the non-owning spouse, a disposition mentioned in subsection (1) to any person affected by the fraud may be set aside and cancelled, and any title issued pursuant to the disposition may be dealt with in accordance with *The Land Titles Act, 2000*”.

New section 13**318 Section 13 is repealed and the following substituted:****“Assurance fund**

13(1) The causes of action established in sections 12 and 12.1 are in addition to the rights of the non-owning spouse pursuant to Part XII of *The Land Titles Act, 2000*.

(2) For the purposes of Part XII of *The Land Titles Act, 2000*, the rights of a non-owning spouse pursuant to this Act are an interest in land.

(3) Where a non-owning spouse makes a claim for compensation pursuant to section 84 of *The Land Titles Act, 2000*, Part XII of that Act applies and must be complied with”.

Section 13.1 amended**319 Section 13.1 is amended by striking out “registrar of the land titles office” and substituting “Registrar of Titles”.****New sections 14 to 17****320 Sections 14 to 17 are repealed and the following substituted:****“Spouse may register interest**

14 To protect his or her rights in a homestead, a non-owning spouse may register an interest based on that right in the Land Titles Registry, accompanied by the form prescribed in the regulations for that purpose.

“Removal of interest

15 An interest registered pursuant to section 14 is exhausted, and the Registrar of Titles may discharge the registration of the interest on receiving satisfactory proof:

- (a) of the death of the interest holder; or
- (b) of the dissolution or annulment of the marriage of the owning spouse and the interest holder.

“Removal of interest before title issues

16 A transfer of title of a homestead that is consented to and acknowledged in accordance with this Act is, when registered in the Land Titles Registry, deemed to be a discharge of any interest registered pursuant to section 14.

“Court order for removal of interest

17(1) An interest registered pursuant to section 14 may be removed by court order.

(2) A person interested in land affected by an interest registered pursuant to section 14, or a caveat filed pursuant to any previous *Homesteads Act*, may apply to the court for an order made in a summary manner directing that registration of the interest is to be discharged.

(3) On an application pursuant to subsection (2), the court may make the order requested, on any terms and conditions the court considers appropriate, where, in the opinion of the court, it is fair and reasonable to do so.

(4) Where a discharge, accompanied by the order made pursuant to subsection (3), is registered in the Land Titles Registry, any further interest registered based on the rights of the non-owning spouse named in the order is null and void unless it is accompanied by an order of the court obtained pursuant to subsection (5).

(5) On an application by a non-owning spouse for leave to register an interest mentioned in subsection (4), the court may grant the order where, in the court's opinion, it is fair and reasonable to do so".

Section 18 amended

321 Subsection 18(1) is amended by striking out "and an assignment, receiving order, caveat or caution is registered or filed in the land titles office by the trustee" **and substituting** ", for the purposes of any dealing with the Land Titles Registry".

Section 21 amended

322 Subsection 21(2) is amended by striking out "filed a caveat pursuant to this Act or" **and substituting** "registered an interest pursuant to section 14 or filed a caveat pursuant to".

DIVISION 22

The Land Bank Repeal and Temporary Provisions Act

S.S. 1982-83, c.L-2.1, section 7 amended

323(1) Section 7 of *The Land Bank Repeal and Temporary Provisions Act* is amended in the manner set forth in this section.

(2) Subsection (1) is amended by striking out "every land titles office," **and substituting** "the Land Titles Registry and every".

(3) Clause (2)(a) is amended by striking out "*The Land Titles Act*, to have a certificate of title" **and substituting** "*The Land Titles Act, 2000*, to have title".

DIVISION 23

The Meewasin Valley Authority Act

S.S. 1979, c.M-11.1 amended

324 *The Meewasin Valley Authority Act* is amended in the manner set forth in this Division.

Section 2 amended

325 Clause 2(m) is repealed.

New section 44**“Interest affecting public land**

44(1) In this section, **‘public land’** means land owned by the authority or by one or more participating parties.

(2) Subject to subsections (4) and (5) but otherwise notwithstanding any other provision of this Act, a transfer of title with respect to public land in the conservation zone must be accompanied by the written consent of the authority.

(3) Subject to subsections (4) and (5) but otherwise notwithstanding any other provision of this Act or any other Act, an interest registered in the Land Titles Registry with respect to public land in the conservation zone is invalid unless it is accompanied by the written consent of the authority.

(4) Subsections (2) and (3) do not apply with respect to:

(a) any transfer or interest evidencing the occupation or use of public land to which, by reason of section 3, this Act does not apply;

(b) leases of property for a term not exceeding 10 years;

(c) any transfer or interest affecting land intended for residential purposes and concerning which a plan of subdivision has been approved by the Controller of Surveys; or

(d) any transfer or interest that is exempted by bylaw from the application of subsections (2) and (3).

(5) The authority shall not withhold its consent under subsections (2) and (3) to any transaction involving public land unless it considers that the use to be made of the land as a result of the transaction will not be consistent or in accordance with the development plan”.

New section 46.1**327 Section 46.1 is repealed and the following substituted:****“Cancellation of interest**

46.1 Any interest that contained the notation, “The land herein described is subject to *The Meewasin Valley Authority Act*, and that was based on section 46, as that section existed before the coming into force of section 12 of *The Meewasin Valley Authority Amendment Act, 1979*, is null and void”.

Section 51 amended

328 **Subsection 51(2) is amended by striking out** “filed in the land titles office” **and substituting** “the Controller of Surveys”.

Section 52.1 amended

329 **Subsection 52.1(3) is repealed and the following substituted:**

“(3) The authority may apply to the Registrar of Titles to register an interest based on an easement granted by subsection (1) against the affected titles”.

New section 52.3

330 Section 52.3 is repealed and the following substituted:**“Registration**

52.3(1) The authority may apply to the Registrar of Titles to register an interest based on an agreement granting a voluntary easement against the affected titles.

(2) The rights and privileges created by the voluntary easement and the agreement related to the voluntary easement:

- (a) enure to the benefit of the authority; and
- (b) on registration of an interest pursuant to subsection (1), run with the land and are binding on:
 - (i) the registered owner of the land;
 - (ii) the registered owner’s heirs, executors and administrators;
 - (iii) those persons to whom the registered owner transfers title; and
 - (iv) subject to sections 52.4 to 52.9, all other persons interested in the land”.

Section 52.4 amended

331(1) Subsection 52.4(1) is amended in the portion preceding clause (a) by striking out “land titles office for the Saskatoon Land Registration District” and substituting “Land Titles Registry”.

(2) Subsection 52.4(3) is amended by striking out “filed in the land titles office for the Saskatoon Land Registration District” and substituting “is submitted to the Land Titles Registry as a document accompanying the application to register the interest mentioned in section 52.3”.

Section 52.5 amended

332(1) Subsection 52.5(2) is amended by striking out “land titles office of the Saskatoon Land Registration District” and substituting “Land Titles Registry”.

(2) Clause 52.5(6)(b) is repealed and the following substituted:

“(b) the authority shall submit an affidavit to the Land Titles Registry, as a document accompanying the application to register the interest mentioned in section 52.3, stating that this subsection applies with respect to that person”.

Section 52.6 amended

333(1) Clause 52.6(2)(c) is amended by striking out “land titles office for the Saskatoon Land Registration District” and substituting “Land Titles Registry”.

(2) Subsection 52.6(4) is repealed and the following substituted:

“(4) The authority shall register an interest based on the arbitration, accompanied by a copy of the objection and the decision of the arbitrator, in the Land Titles Registry against the affected titles”.

New sections 52.7 to 52.8

334 Sections 52.7 and 52.8 are repealed and the following substituted:**“Abstract directory**

52.7 Where title has not been issued and consequently an interest based on a voluntary easement cannot be registered in the Land Titles Registry in accordance with section 52.3, the authority may file an interest based on the voluntary easement in the Abstract Directory established pursuant to *The Land Titles Act, 2000*.

“Plan may be required

52.71 Before registering an interest based on a voluntary easement in accordance with section 52.3, the authority shall submit a plan of the land affected by the voluntary easement to the Controller of Surveys, where required to do so pursuant to *The Land Surveys Act, 2000* and the regulations made pursuant to that Act.

“Mortgaging, releasing or discharging

52.8(1) The authority may assign an interest or register an interest based on a mortgage or charge of a voluntary easement, in the Land Titles Registry, accompanied by a copy of the executed assignment, mortgage or charge, against the affected titles.

(2) The authority may discharge any interest based on a voluntary easement registered by it, and on registration of the discharge, the authority’s rights and privileges under the voluntary easement cease.

(3) Where title has not been issued and consequently an interest or discharge mentioned in this section cannot be registered in the Land Titles Registry, the authority may file an interest or discharge mentioned in this section in the Abstract Directory established pursuant to *The Land Titles Act, 2000*”.

Section 52.9 amended

335 Subsection 52.9(2) is repealed and the following substituted:

“(2) The authority shall submit, as a document accompanying the application to register the interest mentioned in section 52.3, an affidavit of the registered owner of the title for the parcel of land who is granting the voluntary easement, stating that this section applies to the granting of the voluntary easement”.

Section 52.91 repealed

336 Section 52.91 is repealed.

Section 53 amended

337(1) Subsection 53(3) is amended by striking out “, and, where required by the registrar of land titles, it shall file a plan of survey of the land”.

(2) Subsection 53(4) is repealed.

Section 54 amended

338 Section 54 is amended in the portion following clause (c) by striking out “of the filing in the land titles office of the declaration of expropriation under *The Expropriation Procedure Act*” and substituting “that the declaration of expropriation under *The Expropriation Procedure Act* was submitted to the Land Titles Registry”.

DIVISION 24
The Mineral Taxation Act, 1983

S.S. 1983-84, c.M-17.1 amended

339 *The Mineral Taxation Act, 1983* is amended in the manner set forth in this Division.

Section 2 amended

340 Subsection 2(1) is amended:

(a) by repealing clause (a);

(b) by adding the following clause after clause (d):

“(d.1) ‘**mineral commodity**’ means a mineral commodity as defined in *The Land Titles Act, 2000*”;

(c) by repealing clause (f) and substituting the following:

“(f) ‘**mineral right**’ means the right existing in the owner of a mineral title to produce any of the mineral commodities that:

(i) are named in the mineral title; and

(ii) are within, on or under the parcel of land for which the mineral title was issued”;

(d) by adding the following clause after clause (g):

“(g.1) ‘**mineral title**’ means a mineral title issued pursuant to *The Land Titles Act, 2000*”; and

(e) by repealing clause (i) and substituting the following:

“(i) ‘**owner**’ means the registered owner of a mineral title, and includes a person who is deemed to be an owner pursuant to section 8”.

Section 7 amended

341 Clause 7(b) is amended by striking out “used in the certificate of title to describe the area of the lands to which it relates” and substituting “shown on the plan approved by the Controller of Surveys for that parcel of land”.

New sections 9 and 10

342 Sections 9 and 10 are repealed and the following substituted:

“Extent of ownership of mineral title

9(1) Subject to subsection (2), each owner of a mineral title is deemed to own an area equal to the area in the parcel of land for which the mineral title was issued, whether or not there are other mineral commodities in the same parcel of land existing by virtue of one or more other mineral titles.

(2) Each owner of an undivided fractional or percentage interest in a mineral title is deemed to own an area in the parcel of land for which the mineral title was issued that is proportionate to that person’s fractional or percentage interest in the mineral title.

“Determination of area of mineral titles

10 Unless the area of any mineral title is otherwise determined to the satisfaction of the minister, that area is determined as follows:

- (a) if the area of any mineral title is shown on the plan approved by the Controller of Surveys for that parcel of land in acres or hectares, the area of that mineral title is the number of nominal sections obtained when that area is divided by the area of a nominal section;
- (b) if the area of any mineral title is not described on a plan approved by the Controller of Surveys for that parcel of land, the area of that mineral title is deemed to be one eighth of a nominal section”.

Section 12 amended

343 Clause 12(c) is repealed and the following substituted:

“(c) subdivided into lots intended for residential or business purposes, or both, or for a cemetery, and for which:

- (i) the Controller of Surveys has approved a plan of subdivision; and
- (ii) the Registrar of Titles has issued titles”.

New section 18

344 Section 18 is repealed and the following substituted:

“Arrears of taxes

18(1) If any mineral rights tax remains unpaid on May 31 in the year following the year in which the tax becomes due and payable, the Mineral Rights Tax Administrator shall, as soon as possible after that date:

- (a) obtain from the Registrar of Titles a certified copy of the mineral title for the mineral right with respect to which the default occurred;
- (b) register an interest against the mineral title based on a warning of impending forfeiture of the owner’s mineral right;
- (c) send a notice, by registered mail, in accordance with subsection (2), to:
 - (i) the owner of the mineral right, at the address of the owner shown on the certified copy of the mineral title mentioned in clause (a); and
 - (ii) each person other than the owner who appears by the certified copy to have an interest in the mineral right.

(2) The notice mentioned in clause (1)(c) must contain:

- (a) a description of the mineral right and the land within, on or under which the mineral right is situated;
- (b) a statement of the amount of the arrears and of the costs of the forfeiture proceedings, which costs other than the cost of publication of a notice pursuant to subsection (5) are deemed to be \$6; and
- (c) a statement that, unless the arrears, together with the costs mentioned in clause (b), are paid on or before the date set out in the notice, the mineral right will be forfeited to and become the property of the Crown.

- (3) For the purposes of clause (2)(c), the date set out in the notice may not be less than six months from the date of the mailing of the notice.
- (4) Notwithstanding clause (1)(c), if the address of the owner shown on the certified copy of the mineral title is, in the opinion of the Mineral Rights Tax Administrator, an address that is insufficient for the purpose of mailing to the owner the notice mentioned in that clause, the Mineral Rights Tax Administrator may, if he or she is aware of the mailing address of the owner, send the notice, by registered mail, to the owner at that mailing address.
- (5) If the whereabouts of the owner are unknown after all reasonable efforts have been made to ascertain his or her address, the Mineral Rights Tax Administrator shall cause the notice mentioned in clause (1)(c) to be published in two consecutive issues of each of two newspapers published in Saskatchewan and circulating in the area in which the mineral right mentioned in the notice is situated, and the publication of the notice in that manner is deemed to be sufficient service of the notice on the owner.
- (6) The costs of forfeiture proceedings mentioned in clause (2)(b) and the cost of publication of a notice in the newspaper pursuant to subsection (5) are added to and form part of the arrears.
- (7) If, on or before the date specified in the notice mentioned in this section, the amount of the arrears is paid in full, the Mineral Rights Tax Administrator shall apply to the Registrar of Titles to discharge any interest registered pursuant to clause (1)(b).
- (8) If the whole or any part of the arrears remains unpaid on the date set out in the notice mentioned in this section, the minister may apply to the Registrar of Titles for a transfer of title.
- (9) An application pursuant to subsection (8) must be accompanied by:
- (a) a copy of the notice mentioned in this section; and
 - (b) an affidavit or declaration by a person having knowledge of the facts, stating that:
 - (i) the notice was sent by registered mail to each person mentioned in clause (1)(c) in accordance with the requirements of this section; and
 - (ii) where required, the notice was published in accordance with subsection (5).
- (10) An affidavit or declaration pursuant to clause (9)(b) is deemed to be conclusive proof that the person named in it has been served with the notice or that the notice has been published in accordance with this section, as the case may be.
- (11) On receipt of an application by the minister that meets the requirements of this section, the Registrar of Titles shall issue a mineral title to the Crown for the parcel of land affected, clear of all registered interests.

(12) Section 18 of *The Land Titles Act, 2000* does not apply to any mineral right in the parcel of land for which a mineral title is issued pursuant to subsection (11).

(13) The notice required to be sent pursuant to this section is not invalidated:

(a) by reason of the non-receipt of the notice by the person to whom it is addressed; or

(b) by reason of its publication in accordance with subsection (5) not having come to the attention of the owner.

(14) The mineral title issued to the Crown pursuant to this section is final and binding and not open to question in any court”.

DIVISION 25

The Municipal Board Act

S.S. 1988-89, c.M-23.2 amended

345 *The Municipal Board Act* is amended in the manner set forth in this Division.

Section 56 amended

346(1) Subsection 56(1) is amended by striking out “in the Land Titles Office for any land registration district in Saskatchewan” and substituting “as an interest based on that order in the Land Titles Registry”.

(2) Subsection 56(2) is amended:

(a) by striking out “a certificate is filed” and substituting “an interest is registered”; and

(b) by striking out “in the land registration district in which the office is situated,”.

Section 69 amended

347 Subsection 69(2) is amended:

(a) by striking out “registrars of land titles and shall furnish the board with any certificates and” and substituting “the Registrar of Titles shall furnish the board with any”; and

(b) by striking out “Land Titles Office” and substituting “Land Titles Registry”.

DIVISION 26
The Municipal Expropriation Act

R.S.S. 1978, c.M-27 amended

348 *The Municipal Expropriation Act* is amended in the manner set forth in this Division.

Section 2 amended

349 Clause 2(g) is repealed.

Section 4 amended

350 Section 4 is amended by striking out “proper land titles office” and substituting “Land Titles Registry”.

Section 14 amended

351 Subsection 14(3) is repealed and the following substituted:

“(3) This section does not apply where:

- (a) the land required is shown as a parcel on a plan; and
- (b) title has issued for that parcel”.

New sections 16 to 18.1

352 Sections 16 to 18 are repealed and the following substituted:

“Plan of survey

16(1) The plan of survey is subject to and must be prepared in accordance with *The Land Surveys Act, 2000* and the regulations made pursuant to that Act.

(2) The plan must be approved by the mayor, overseer or reeve and clerk or secretary treasurer of the municipality.

“Deposit of plan of survey

17(1) The plan of survey, approved by the minister and as otherwise required pursuant to *The Land Surveys Act, 2000*, must be forwarded to the Controller of Surveys for approval.

(2) On receipt by the minister of a certified copy of the expropriation bylaw, the minister may approve the plan mentioned in subsection (1) if the minister is satisfied that the plan meets the requirements of *The Planning and Development Act, 1983* with respect to the subdivision of land.

“Approval of plan and issuance of titles

18(1) After a plan forwarded to the Controller pursuant to subsection 17(1) is approved by the Controller of Surveys pursuant to *The Land Surveys Act, 2000*, notwithstanding anything in any Act:

- (a) the parcels of land shown on the plan vest in the municipality, other than:
 - (i) the parcels of land the title to which is in the name of the municipality; and
 - (ii) roads, streets, lanes or other public highways;

- (b) the parcels of land shown on the plan as roads, streets, lanes and other public highways vest in Her Majesty in right of Saskatchewan; and
- (c) the clerk or secretary treasurer shall apply to the Registrar of Titles to issue title respecting the parcels of land that vested in the municipality pursuant to clause (a).

(2) In accordance with *The Land Titles Act, 2000*, on receipt of an application pursuant to clause (1)(c), the Registrar of Titles shall issue the titles requested in the application in the name of the municipality, clear of all encumbrances.

“Transfer of title re subsection 14(3)

18.1(1) In the case of the land mentioned in subsection 14(3), the clerk or secretary treasurer shall apply to the Registrar of Titles to register a transfer of title to the municipality.

- (2) An application pursuant to subsection (1) must be accompanied by:
 - (a) a notice under the seal of the municipality that the land is required by the municipality; and
 - (b) a certified copy of a resolution of the council of the municipality, approved by the minister.
- (3) On receipt by the minister of a certified copy of the expropriation bylaw, the minister may approve the resolution mentioned in clause (2)(b).
- (4) In accordance with *The Land Titles Act, 2000*, on receipt of an application pursuant to this section, the Registrar of Titles shall issue the title to the land in the name of the municipality, clear of all encumbrances.
- (5) Where the land that is the subject of an application pursuant to this section is required for a road, street, lane or other public highway, the clerk or secretary treasurer shall forward to the member of the Executive Council to whom responsibility for *The Highways and Transportation Act, 1997* has been assigned certified copies of the notice and resolution mentioned in subsection (2).
- (6) On receipt of the certified copies mentioned in subsection (5), the member of the Executive Council to whom responsibility for *The Highways and Transportation Act, 1997* has been assigned may petition the Controller of Surveys to amend the approved plan to indicate that the land in question is required for a road, street, lane or other public highway”.

Section 22 amended

353 Subsection 22(1) is amended by striking out “file with the registrar a plan of survey of the land and sections 14 to 18 shall apply *mutatis mutandis*” **and substituting** “submit a plan of survey of the land to the Controller of Surveys, and sections 14 to 18.1 apply, with any necessary modification”.

DIVISION 27

The Mutual Medical and Hospital Benefit Associations Act

R.S.S. 1978, c.M-29, section 8 amended

354 Subsection 8(6) of *The Mutual Medical and Hospital Benefit Associations Act* is repealed and the following substituted:

“(6) An association may apply to the Registrar of Titles to register a change of name against affected titles and interests.

“(6.1) An application pursuant to subsection (6) must be accompanied by a certificate of the registrar showing the former name and the new name of the association”.

DIVISION 28

The Names of Homes Act

R.S.S. 1978, c.N-1 amended

355 *The Names of Homes Act* is amended in the manner set forth in this Division.

Section 3 amended

356 Section 3 is amended by striking out “land titles office for the land registration district in which the property is situated” and substituting “Land Titles Registry”.

Schedule, Form A amended

357 Form A of the Schedule is amended by striking out “land titles office for the _____ Land Registration District” and substituting “Land Surveys Directory”.

DIVISION 29

The New Generation Co-operatives Act

S.S. 1999, c.N-4.001, section 2 amended

358 Clause 2(3)(a) of *The New Generation Co-operatives Act* is repealed and the following substituted:

“(a) it holds title to or an interest in land registered in the name of the co-operative pursuant to *The Land Titles Act, 2000*”.

DIVISION 30

The Northern Municipalities Act

S.S. 1983, c.N-5.1 amended

359 *The Northern Municipalities Act* is amended in the manner set forth in this Division.

Section 96 amended

360(1) Subsection 96(3) is amended in the portion preceding clause (a) by striking out “Office” and substituting “Registry”.

(2) Clause 96(3.1)(a) is amended by striking out “land titles office” and substituting “Land Titles Registry”.

(3) Subsection 96(3.2) is repealed and the following substituted:

“(3.2) The council or an authorized municipal employee may register an interest, in the prescribed form, based on the order made pursuant to subsection (3) in the Land Titles Registry against the title to the parcels of land to which the order applies”.

(4) Subsection 96(3.3) is amended by striking out “Where a notice has been entered on the certificate of title” and substituting “Where an interest has been registered against a title”.

(5) Subsection 96(3.4) is repealed and the following substituted:

“(3.4) Where an interest has been registered against a title pursuant to subsection (3.2) and the order made pursuant to subsection (3) has been complied with, the council or an authorized municipal employee shall apply to the Registrar of Titles, in the prescribed form, to discharge the interest”.

(6) Clause 96(9)(b) is amended by striking out “proper land titles office” and substituting “Land Titles Registry”.

Section 96.2 amended

361(1) Subsection 96.2(2) is amended by striking out “Office” and substituting “Registry”.

(2) Subsection 96.2(4.1) is repealed and the following substituted:

“(4.1) The council or an authorized municipal employee may register an interest, in the prescribed form, based on the order made pursuant to subsection (4) in the Land Titles Registry against the title to the parcels of land to which the order applies”.

(3) Subsection 96.2(4.2) is amended by striking out “Where a notice has been entered on the certificate of title” and substituting “Where an interest has been registered against a title”.

(4) Subsection 96.2(4.3) is repealed and the following substituted:

“(4.3) Where an interest has been registered against a title pursuant to subsection (4.1) and the order made pursuant to subsection (4) has been complied with, the council or an authorized municipal employee shall apply to the Registrar of Titles, in the prescribed form, to discharge the interest”.

Section 99 amended

362 Clause 99(3)(b) is amended by striking out “appropriate land titles office” and substituting “Land Titles Registry”.

Section 100.1 amended

363(1) Subsection 100.1(7) is repealed and the following substituted:

“(7) The council or an authorized municipal employee may register an interest, in the prescribed form, based on the order made pursuant to subsection (5) in the Land Titles Registry against the title to the parcels of land to which the order applies”.

(2) Subsection 100.1(8) is amended by striking out “Where a notice has been entered on the certificate of title” **and substituting** “Where an interest has been registered against a title”.

(3) Subsection 100.1(9) is repealed and the following substituted:

“(9) Where an interest has been registered against a title pursuant to subsection (7) and the order made pursuant to subsection (5) has been complied with, the council or an authorized municipal employee shall apply to the Registrar of Titles, in the prescribed form, to discharge the interest”.

Section 192 amended

364 Clause 192(1)(d) is amended by striking out “Office”:

(a) in paragraph (i)(A); and

(b) in paragraph (ii)(A);

and in each case substituting “Registry”.

New section 259.1

365 Section 259.1 is repealed and the following substituted:

“Discharge of tax lien

259.1 If lands or improvements with respect to which taxes are levied are subject to an interest based on a tax lien registered pursuant to any *Tax Enforcement Act*, the clerk shall discharge the registration of that interest on compromise, abatement or payment of all amounts in arrears with respect to taxes that were levied before and after the registration of that interest”.

Section 278 amended

366(1) Subsection 278(1) is amended by striking out “every Land Titles Office,” **and substituting** “the Land Titles Registry and every”.

(2) Clause 278(2)(a) is amended by striking out “*The Land Titles Act*, to have a certificate of” **and substituting** “*The Land Titles Act, 2000*, to have”.

DIVISION 31

The Oil Well Income Tax Act

S.S. 1978 (Supp.), c.O-3.1, section 37 amended

367 Clause 37(1)(c) of *The Oil Well Income Tax Act* is amended by striking out “used to describe the mineral land area in the certificate of title” **and substituting** “shown on the plan approved by the Controller of Surveys for that parcel of land”.

DIVISION 32
The Personal Property Security Act, 1993

S.S. 1993, c.P-6.2 amended

368 *The Personal Property Security Act, 1993* is amended in the manner set forth in this Division.

Section 36 amended

369(1) Subsection 36(2) is amended by striking out “certificate of title has been issued pursuant to *The Land Titles Act*” and substituting “title has been issued pursuant to *The Land Titles Act, 2000*”.

(2) Subsection 36(4) is amended:

(a) in clause (a) by adding “an interest based on” before “the security interest”;

(b) in clause (b):

(i) in the portion preceding subclause (i) by adding “interest based on a” before “mortgage”; and

(ii) in the portion following subclause (ii) by adding “an interest based on” before “the security interest”; and

(c) in clause (c) by adding “an interest based on” before “the security interest”.

(3) Clauses 36(5)(a), (b) and (c) are repealed and the following substituted:

“(a) a search is made of a title in the Land Titles Registry;

“(b) at the time of the search there is no interest registered pursuant to section 49 against the title;

“(c) on the day on which the search is made, an advance is made pursuant to a mortgage, where an interest based on that mortgage is registered against the title”.

(4) Clause 36(6)(b) is amended by adding “an interest based on” before “the security interest”.

(5) Subsection 36(7) is amended:

(a) in clause (a) by striking out “transmitted to the appropriate land titles office” and substituting “registered in the Saskatchewan Writ Registry and registered as an interest based on the writ against the affected titles in the Land Titles Registry”;

(b) in clause (b) by striking out “for registration in the appropriate land titles office a certificate affecting the land issued pursuant to *The Creditors’ Relief Act*” and substituting “to the Land Titles Registry an interest based on a certificate issued pursuant to *The Creditors’ Relief Act* for registration against the affected titles”; and

(c) in the portion following clause (b) by adding “an interest based on” before “the security interest”.

- (6) Subsection 36(8) is amended by striking out “a notice is filed” and substituting “an interest is registered”.
- (7) Subsection 36(14) is amended by striking out “land titles office” and substituting “Land Titles Registry”.
- (8) Subsection 36(16) is amended by striking out “land titles office” and substituting “Land Titles Registry”.
- (9) Subsection 36(18) is amended by striking out “*The Land Titles Act*” and substituting “*The Land Titles Act, 2000*”.

Section 37 amended

- 370(1) Subsection 37(2) is amended by striking out “certificate of title has been issued pursuant to *The Land Titles Act*” and substituting “title has been issued pursuant to *The Land Titles Act, 2000*”.
- (2) Subsection 37(4) is amended:
 - (a) in clause (a) by adding “an interest based on” before “the security interest”;
 - (b) in clause (b):
 - (i) in the portion preceding subclause (i) by adding “interest based on a” before “mortgage”; and
 - (ii) in the portion following subclause (ii) by adding “an interest based on” before “the security interest”; and
 - (c) in clause (c) by adding “an interest based on” before “the security interest”.
- (3) Subsection 37(5) is amended:
 - (a) in clause (a) by striking out “transmitted to the appropriate land titles office” and substituting “registered in the Saskatchewan Writ Registry and registered as an interest based on the writ against the affected titles in the Land Titles Registry”;
 - (b) in clause (b) by striking out “for registration in the appropriate land titles office a certificate affecting the land issued pursuant to *The Creditors’ Relief Act*” and substituting “to the Land Titles Registry an interest based on a certificate issued pursuant to *The Creditors’ Relief Act* for registration against the affected titles”; and
 - (c) in the portion following clause (b) by adding “an interest based on” before “the security interest”.
- (4) Subsection 37(6) is amended in the portion following clause (b) by striking out “that is registered” and substituting “where an interest based on the document mentioned in clause (a) or (b) is registered”.

Section 49 amended**371(1) Subsection 49(2) is repealed and the following substituted:**

“(2) All or any of the following interests may be registered in the Land Titles Registry, accompanied by a notice in the prescribed form:

- (a) an interest based on a security interest in a fixture pursuant to section 36;
- (b) an interest based on a security interest in a growing crop pursuant to section 37”.

(2) Subsection 49(3) is repealed.**(3) Subsection 49(4) is repealed and the following substituted:**

“(4) The registration of an interest registered pursuant to subsection (2) may be renewed, amended, assigned, postponed or discharged in accordance with Part VIII of *The Land Titles Act, 2000*”.

(4) Subsection 49(5) is amended by striking out “a notice” wherever it appears and in each case substituting “an interest”.**(5) Subsection 49(6) is repealed.****(6) Subsection 49(7) is amended:**

(a) in the portion preceding clause (a) by striking out “a notice” and substituting “an interest”;

(b) in clause (a) by striking out “notice” and substituting “interest”;

(c) in clause (b) by adding “attached to the interest registration” after “notice”;

(d) in clause (c) by adding “attached to the interest registration” after “notice”; and

(e) in the portion following clause (d) by adding “attached to the interest registration” after “notice”.

(7) Subsection 49(8) is amended:

(a) in clause (a) by striking out “notice” and substituting “interest”;

(b) in clause (c) by adding “attached to the interest registration” after “notice”; and

(c) in the portion following clause (c) by striking out “registration of the notice” and substituting “interest registration”.

(8) Subsection 49(9) is repealed and the following substituted:

“(9) Where a secured party fails to amend or discharge the interest registration in accordance with a demand given pursuant to subsection (7), the person who gives the demand may apply to the Registrar of Titles to amend or discharge the registered interest.

“(9.1) An application pursuant to subsection (9) must be accompanied by the demand for registration.

“(9.2) On receipt of an application pursuant to subsection (9) and on receiving proof satisfactory to the Registrar of Titles that the demand has been given to the secured party, the Registrar of Titles shall amend or discharge the interest registration in accordance with the demand”.

(9) Subsection 49(10) is amended by adding “attached to the interest” after “notice”.**(10) Subsection 49(11) is amended by adding “attached to the interest” before “registered”.****Section 51 amended**

372 Subsection 51(5) is amended by striking out “a land titles office” and substituting “the Land Titles Registry”.

Section 65 amended

373 Subsection 65(7) is amended by striking out “registrar of the land titles office” and substituting “Registrar of Titles”.

Section 71 amended

374 Subsection 71(1) is amended:

(a) by repealing clause (j) and substituting the following:

“(j) respecting the application of all or part of sections 36 and 37 to any land for which a title has not been issued pursuant to *The Land Titles Act, 2000*, and the manner and place of the registration of the interests affected”; **and**

(b) in subclause (k)(ii) by striking out “registered pursuant to section 49 in a land titles office” and substituting “attached to an interest registered pursuant to section 49 in the Land Titles Registry”.

Section 73 amended

375 Subsection 73(12) is amended by striking out “subsection 124.3(5) of *The Land Titles Act*” and substituting “subsection 144(3) of *The Land Titles Act, 2000*”.

DIVISION 33
The Planning and Development Act, 1983

S.S. 1983-84, c.P-13.1 amended

376 *The Planning and Development Act, 1983* is amended in the manner set forth in this Division.

Section 2 amended

377 Section 2 is amended:

(a) by adding the following clause after clause (m):

“(m.1) ‘interest’ means an interest as defined in *The Land Titles Act, 2000*”;

(b) by adding the following clause after clause (t.1):

“(t.2) ‘plan’ means a plan as defined in *The Land Surveys Act, 2000*”;
and

(c) in clause (aa) by striking out “section 19 of *The Land Surveys Act*” and substituting “the regulations made pursuant to *The Land Surveys Act, 2000*”.

New section 55.5

378 Section 55.5 is repealed and the following substituted:

“Registration of development agreement

55.5(1) A municipality may register an interest based on a development agreement in the Land Titles Registry against the affected title.

(2) On registration of an interest based on a development agreement, the rights and privileges in the development agreement:

(a) enure to the benefit of the municipality; and

(b) run with the land and are binding on the registered owner of the land, the registered owner’s heirs, executors and administrators, and those persons to whom the registered owner transfers title”.

Section 79 amended

379 Subsection 79(3) is repealed and the following substituted:

“(3) A development agreement may provide that it runs with the land, and the municipality may apply to the Registrar of Titles to register an interest based on the development agreement against the affected titles.

“(3.1) A copy of the development agreement must be submitted with an application made pursuant to subsection (3)”.

Section 82 amended

380(1) Subsection 82(3) is repealed and the following substituted:

“(3) An agreement entered into pursuant to this section runs with the land, and the municipality shall register an interest based on the agreement in the Land Titles Registry against the affected titles:

- (a) at any time after the bylaw amending the zoning bylaw is approved by the minister; or
- (b) if approval of the minister is waived pursuant to section 89, at any time after the bylaw amending the zoning bylaw is adopted by the council.

“(3.1) On registration of an interest based on an agreement entered into pursuant to this section, the agreement is deemed to bind the registered owner of the land affected by the agreement and the registered owner’s heirs, executors, administrators, successors and assigns”.

(2) Subsection 82(5) is amended by striking out “a caveat required by subsection (3) is registered” **and substituting** “an interest based on an agreement required pursuant to this section is registered in accordance with subsection (3)”.

(3) Clause 82(7)(b) is amended by striking out “withdraw the caveat” **and substituting** “discharge the registration of the interest”.

Section 84.1 amended

381 Subsections 84.1(10) and (11) are repealed and the following substituted:

“(10) A municipality may register in the Land Titles Registry, against the affected titles, an interest based on a development permit to demolish a residential building that has been issued with terms and conditions imposed by the municipality.

“(11) On registration of an interest based on a development permit, the terms and conditions imposed on the development permit:

- (a) enure to the benefit of the municipality; and
- (b) run with the land and are binding on the registered owner of the land, the registered owner’s heirs, executors and administrators, and those persons to whom the registered owner transfers title to the land”.

Section 132 amended

382 Subsection 132(1) is repealed and the following substituted:

“(1) In this Part and in Part VIII:

- (a) **‘Controller of Surveys’** means the Controller of Surveys as defined in *The Land Surveys Act, 2000*;
- (b) **‘Registrar of Titles’** means the Registrar as defined in *The Land Titles Act, 2000*”.

New section 134

383 Section 134 is repealed and the following substituted:**“Restrictions on approvals and registrations, exceptions**

134(1) In this section, ‘**land**’ does not include mines and minerals.

(2) Subject to subsections (7), (13) and (15), the Controller of Surveys shall not approve a plan of survey that subdivides land unless the plan is accompanied by:

- (a) a certificate of approval of an approving authority; or
- (b) an affidavit mentioned in subsection (15).

(3) Subject to subsections (7), (13) and (15), the Controller of Surveys shall not approve a plan where no title exists for the parcel of land described on the plan, or where the plan affects only part of a parcel of land that is intended for any of the uses mentioned in subsection (11), unless the plan is accompanied by:

- (a) a certificate of approval of an approving authority; or
- (b) an affidavit mentioned in subsection (15).

(4) Subject to subsections (6) and (7), no person shall apply to the Registrar of Titles to register an interest based on a lease, mortgage or agreement for sale for part only of a parcel of land unless a certificate of approval is obtained from an approving authority.

(5) Subject to subsections (6) and (7), no person shall apply to the Registrar of Titles to amend the registration of an interest based on a lease, mortgage or agreement for sale that has the effect of discharging the registration of the interest as to part only of the parcel of land for which the interest was registered unless a certificate of approval is obtained from an approving authority.

(6) Subsections (4) and (5) do not apply to:

- (a) an interest based on a lease, where the lease is a lease described in subsection (8);
- (b) an interest based on a mortgage of a lease, where the lease is a lease described in subsection (8).

(7) With respect to a lease of a part only of a parcel of land, subsections (4) and (5) do not apply to the lease or to a mortgage of the lease where the lease is a lease described in subsection (8).

(8) A lease mentioned in subsections (6) and (7) is a lease where:

- (a) the term of the lease together with the term of any lease entered into pursuant to the lease does not exceed 10 years;
- (b) the lease has the effect of granting the use of or right to part of a building;

(c) the lease was entered into before the coming into force of this Act;
or

(d) the lease is:

(i) a renewal or assignment of a lease mentioned in clause (c), whether or not the renewal or assignment was entered into before or after the coming into force of this Act; or

(ii) a sublease entered into, renewed or assigned under or pursuant to a lease mentioned in clause (c), whether or not the sublease is:

(A) for the whole or any part of the lands originally demised by the lease; or

(B) entered into before or after the coming into force of this Act.

(9) Where a parcel of land is separated into two or more areas by an approved plan or by a natural boundary, the separated areas are deemed to be one parcel of land for the purposes of this Act.

(10) The Controller of Surveys shall not approve a plan that purports to divide a quarter-section or portion of a quarter-section into legal subdivisions, unless the plan is accompanied by:

(a) a certificate of approval of an approving authority; or

(b) an affidavit mentioned in subsection (15).

(11) Except as provided in subsection (15), unless a certificate of approval is obtained from the approving authority, no person shall apply to the Land Titles Registry to register an interest based on any agreement where that agreement, other than an agreement mentioned in subsection (4) or (5), affects part only of a parcel of land and that part is intended for use as:

(a) a public highway;

(b) a municipal road;

(c) a right of way for a ditch;

(d) an irrigation canal;

(e) a pipe line;

(f) a telecommunications or cable television line;

(g) a power transmission line; or

(h) a reservoir not used for the treatment or storage of sewage.

(12) Notwithstanding any other provision of this Act, where a plan is presented for approval to the Controller of Surveys by a department, board, commission or other agency of the Government of Saskatchewan, the Controller of Surveys shall approve the plan, if the plan is otherwise acceptable, without the plan being accompanied by the certificate of approval of the approving authority.

- (13) This Act does not apply to a plan of survey of land or other instrument required for the widening of a public highway, municipal road or lane where:
- (a) the highway, road or lane is shown on a plan approved by the Controller of Surveys; and
 - (b) the land shown in the plan or other instrument is contiguous to the highway, road or lane to be widened.
- (14) A parcel of land is deemed to conform to the applicable site area or lot size requirements of a zoning bylaw or statutory plan in force at the time of acquisition of the adjoining land where:
- (a) the parcel of land remains after the acquisition of the adjoining land, or of any use or right of the adjoining land, for any purpose mentioned in subsection (13); and
 - (b) the acquisition of the adjoining land would have required the approval of the approving authority but for subsection (13).
- (15) A certificate of approval is not required for the Controller of Surveys to approve a plan where that plan is accompanied by an affidavit from a person obtaining an easement or agreement for a right of way swearing that:
- (a) an easement or agreement for a right of way for any sewer, water, oil, natural gas, electrical, telecommunications or cable television distribution, service connection or collection line is to be used for a distribution, service connection or collection line to consumers or end-users of the service and not for a general transmission line; or
 - (b) an easement or agreement for a right of way is for any of the purposes mentioned in subsection (11) and is located more than 2.5 kilometres from the limits of any city, town, village, organized hamlet or group of five or more occupied buildings on adjoining registered lots, blocks or parcels.
- (16) The member of the Executive Council responsible for the administration of *The Highways and Transportation Act, 1997*, and any officer of that member's department authorized by the member to approve plans of land within the meaning of section 14 of that Act, shall not approve a plan of lands within the meaning of that section unless a copy of the certificate of approval of the approving authority is furnished to the member or officer.
- (17) The certificates of approval received by the Controller of Surveys pursuant to this section and the member of the Executive Council or officer pursuant to subsection (16) are to be retained in the offices in which they are received.
- (18) A certificate of approval obtained from an approving authority must accompany:
- (a) an application to register an interest mentioned in subsection (4) or (11); or
 - (b) the application to register an amendment to an interest mentioned in subsection (5).

(19) Where a certificate of approval was not obtained from an approving authority, the registration of an interest mentioned in subsection (4) or (11), or the registration of an amendment to an interest mentioned in subsection (5), is invalid.

(20) The Registrar of Titles may register an interest mentioned in subsection (4) or (11), or an amendment to an interest mentioned in subsection (5), without inquiring as to whether a certificate of approval was obtained from an approving authority”.

Section 140 amended

384(1) Clause 140(1)(c) is amended:

(a) by repealing subclause (i) and substituting the following:

“(i) does not apply to land adjoining land to which access has been provided by a public highway, where:

(A) in the opinion of the approving authority, the land conveyed or to be conveyed and the adjoining land are to be used for a common purpose;

(B) the titles to the lands mentioned in paragraph (A) either have the same registered owner or will have the same registered owner after the conveyance; and

(C) a prohibition has been registered in the Land Titles Registry prohibiting the titles mentioned in paragraph (B) from being dealt with separately”; **and**

(b) by repealing paragraphs (ii)(E) and (F) and substituting:

“(E) a public utility site, if an easement agreement to provide physical and legal access to the public utility site and that is acceptable to the approving authority may be registered as an interest based on the easement in the Land Titles Registry against all affected titles;

“(F) a lease mentioned in subsection 134(4), if an alternative right of access can be established acceptable to the approving authority”.

(2) The following subsection is added after subsection 140(1):

“(1.01) The registered owner of a title mentioned in paragraph (1)(c)(i)(B) shall not deal with the owner’s title separately from other titles mentioned in that paragraph”.

Section 141 amended

385 Subsection 141(5) is amended by striking out “filing or registration of the certificate of approval in a Land Titles Office” and substituting “approval of a plan, accompanied by the certificate of approval, by the Controller of Surveys”.

Section 142 amended

386 Subsection 142(2) is amended by striking out “a caveat in the appropriate Land Titles Office in respect of that land” and substituting “against title in the Land Titles Registry an interest based on the requirement to comply with standards mentioned in subsection (1)”.

Section 143 amended**387 Subsection 143(4) is repealed and the following substituted:**

“(4) An agreement pursuant to this section may provide that it runs with the land and, where an interest based on the agreement is registered against title in the Land Titles Registry, the agreement is deemed to bind the registered owner of the land affected by the agreement and the registered owner’s heirs, executors, administrators, successors and assigns”.

New section 145**388 Section 145 is repealed and the following substituted:****“Revocation of approval**

145(1) Where an approving authority considers it advisable, the approving authority may revoke an approval of a proposed subdivision where:

- (a) the plan of subdivision has not been approved by the Controller of Surveys; or
- (b) title to the land has not issued.

(2) Where an approving authority revokes an approval pursuant to subsection (1), the approving authority shall, by registered mail, promptly notify the applicant and the Controller of Surveys of the revocation.

(3) On receipt of a revocation mentioned in subsection (1), the Controller of Surveys shall, if the plan has been approved but title to the parcels in the plan have not been issued, revoke the approval of the plan of subdivision”.

Section 146 amended**389 Clause 146(c) is repealed and the following substituted:**

“(c) register in the Land Titles Registry an interest based on this section, indicating which regulations were waived and including the notice of decision”.

Section 153 amended

390 Subsection 153(1) is amended by striking out “for which there is only one certificate of title registered in the Land Titles Office” and substituting “, for which there is only one surface parcel as defined in *The Land Titles Act, 2000*,”.

Section 155 amended**391 Clause 155(d) is repealed and the following substituted:**

- “(d) empowering the council to:
- (i) have any necessary plan of subdivision of the land made; and
 - (ii) submit the plan mentioned in subclause (i) to the Controller of Surveys for approval on behalf of the owner, with or without the owner’s consent”.

New section 156

392 Section 156 is repealed and the following substituted:**“Registration of prohibition based on subdivision bylaw**

156(1) On passing the required subdivision bylaw, the municipal administrator shall apply to the Registrar of Titles:

- (a) requesting the Registrar, in accordance with section 99 of *The Land Titles Act, 2000*, to prohibit the transfer of title or the registration of any interest against title based on the subdivision bylaw; and
- (b) attaching a certified copy of the subdivision bylaw.

(2) A prohibition imposed by the Registrar of Titles pursuant to subsection (1) constitutes notice of the subdivision bylaw:

- (a) to all persons having any right, title, estate or interest, whether it appears on the title or not, in or to the land affected by the subdivision bylaw; and
- (b) to all persons subsequently dealing with that land.

(3) After the Registrar of Titles imposes a prohibition pursuant to subsection (1), no person shall apply to the Registrar of Titles for registration of a transfer of title or for registration of an interest unless:

- (a) the council provides authorization of the registration in the prescribed form; or
- (b) at the request of the council, the Registrar of Titles has withdrawn the prohibition”.

Section 157 amended

393 Clause 157(2)(a) is amended by striking out “under the seal of the municipality and shall be signed” and substituting “approved”.

New section 158

394 Section 158 is repealed and the following substituted:**“Conformity with *The Land Surveys Act, 2000***

158(1) On approval of a plan of subdivision by an approving authority, the council shall submit the plan to the Controller of Surveys for approval in accordance with *The Land Surveys Act, 2000* and the regulations made pursuant to that Act.

(2) After the Controller of Surveys has approved the plan of subdivision submitted pursuant to subsection (1), any title issued by the Registrar of Titles:

- (a) to any new lots, blocks or parcels shown on the plan must be in the name of the owner or owners of the land;
- (b) to any roads, streets, lanes or other public highways, public reserves or environmental reserves shown on the plan must be or vest in the name of the Crown;

- (c) to any municipal reserve or walkway shown on the plan must be in the name of the municipality; and
- (d) to any buffer strip shown on the plan must be:
 - (i) subject to subclause (ii), in the name of the Crown; or
 - (ii) in the name of the municipality, if the municipality is a municipality that has received ministerial approval pursuant to section 196”.

Section 159 amended

395 Section 159 is amended in the portion preceding clause (a) by striking out “registering a plan of subdivision under” and substituting “submitting a plan of subdivision to the Controller of Surveys for approval pursuant to”.

Section 160 amended

396 Clause 160(4)(a) is amended by striking out “registering the plan of subdivision pursuant to section 158” and substituting “having the plan approved pursuant to section 158 and of having titles issued pursuant to *The Land Titles Act, 2000*”.

New section 163

397 Section 163 is repealed and the following substituted:

“Registration of replotting scheme

163(1) Where a council authorizes the preparation of a replotting scheme pursuant to section 161, the municipal administrator shall apply to the Registrar of Titles to register an interest based on the replotting scheme against the titles of all parcels of land included within the replotting scheme.

- (2) An application pursuant to subsection (1) must be accompanied by:
 - (a) a certified copy of the resolution mentioned in section 161; and
 - (b) a list of all parcels of land included within the replotting scheme.
- (3) After an interest is registered against a title in accordance with this section, no transfer of that title may be registered in the Land Titles Registry except with the consent of the council.
- (4) The registration of an interest pursuant to this section constitutes notice that a scheme for the replotting of that land has been initiated:
 - (a) to all persons having any right, title, estate or interest, whether or not it appears on the title, in or to any land comprised in or affected by the replotting scheme; and
 - (b) to all persons subsequently dealing with that land.

(5) No person who acquires an interest in land in a replotting scheme is, after the interest is registered against title pursuant to this section, entitled to receive any notice of proceedings as to the replotting scheme unless that person files with the municipal administrator:

- (a) written notice of that person's interest;
- (b) evidence of the registration of that person's interest in the Land Titles Registry; and
- (c) an address to which notices may be mailed".

Section 171 amended

398 Subsection 171(2) is repealed and the following substituted:

"(2) Where the council fails to obtain the consents required pursuant to subsection (1), the council shall, by resolution, discontinue the replotting scheme and discharge any interest registered pursuant to section 163 that relates to the replotting scheme".

Section 172 amended

399(1) Clause 172(1)(b) is repealed and the following substituted:

- "(b) submit to the Controller of Surveys:
 - (i) a certified copy of the resolution adopting the replotting scheme;
 - (ii) a certified copy of the replotting scheme; and
 - (iii) for approval, the plan of subdivision made in accordance with the replotting scheme and in conformity with the requirements of *The Land Surveys Act, 2000* and the regulations made pursuant to that Act, but the plan must be approved by the clerk of the municipality".

(2) Subsection 172(2) is repealed and the following substituted:

- "(2) After the plan of subdivision has been approved by the Controller of Surveys pursuant to subclause (1)(b)(iii), the council shall:
 - (a) apply to the Registrar of Titles to issue title respecting the parcels shown on the plan of subdivision; and
 - (b) discharge any registered interest that was based on:
 - (i) subsection 163(1); or
 - (ii) any building restriction".

Section 173 amended

400(1) Subsection 173(1) is repealed and the following substituted:

- "(1) Within two years after the date of the resolution authorizing the preparation of a replotting scheme, the council shall:
 - (a) discontinue the replotting scheme and discharge any interest registered pursuant to section 163; or
 - (b) adopt the replotting scheme and submit the documents to the Controller of Surveys in accordance with clause 172(1)(b)".

(2) Subsection 173(2) is amended by striking out “endorsements made pursuant to subsection 163(1), subject to subsection (3), cease to have effect and the registrar shall cancel them” **and substituting** “interests registered pursuant to section 163, subject to subsection (3), cease to have effect”.

(3) Subsection 173(3) is amended by striking out “subsection 163(1) have been so filed, only those endorsements made in respect of the parcels of land not covered by the plan and schedule cease to have effect and are cancelled” **and substituting** “clause 163(2)(b) have been so approved or received by the Controller of Surveys, only those interests registered with respect to the titles to the parcels of land not covered by the plan and schedule cease to have effect”.

Section 175 amended

401 Section 175 is amended:

(a) in the portion preceding clause (a) by striking out “registrar of a notice of the registration” **and substituting** “Controller of Surveys of a notice of approval”;

(b) by repealing subclause (a)(ii) and substituting the following:

“(ii) the plan of subdivision has been approved by the Controller of Surveys”; **and**

(c) in subclause (b)(iii) by striking out “registered in the Land Titles Office” **and substituting** “approved by the Controller of Surveys”.

Section 179 amended

402 Section 179 is amended:

(a) in clause (a) by striking out “endorsement on the certificate of title” **and substituting** “interest registered against title”; **and**

(b) in clause (b) by striking out “registration” **and substituting** “approval”.

Section 181 amended

403 Subsection 181(1) is amended by striking out “registration of the plan of subdivision” **and substituting** “approval of the plan of subdivision by the Controller of Surveys”.

Section 186 amended

404 Section 186 is amended by striking out “registration of the subdivision” **and substituting** “issuance of title pursuant to the approved plan of subdivision”.

Section 195 amended

405(1) Subsection 195(3) is amended by striking out “file a caveat in the appropriate Land Titles Office” **and substituting** “register an interest based on the direction in the Land Titles Registry”.

(2) Subsection 195(5) is amended:

(a) in clause (a) by striking out “a caveat is filed” **and substituting** “an interest is registered”; **and**

(b) in clause (b) by striking out “caveat was filed” **and substituting** “interest was registered”.

Section 196 amended

406 Clause 196(3)(b) is amended by striking out “every land titles office,” and substituting “the Land Titles Registry and every”.

Section 204 amended

407 Clause 204(1)(b) is amended by adding “interest based on an” before “easement”.

Section 205 amended

408(1) Subsection 205(1) is repealed and the following substituted:

“(1) On receipt of an application to issue titles pursuant to section 44 of *The Land Titles Act, 2000* respecting parcels shown on a plan of subdivision, the Registrar of Titles may issue title for any dedicated lands to the Crown or the municipality according to the designation on the plan as set out in the regulations made pursuant to section 206”.

(2) Subsection 205(3) is repealed and the following substituted:

“(3) Where the Registrar of Titles issues a title for dedicated lands, the title shall issue free and clear of all registered interests”.

(3) Clause 205(4)(b) is repealed and the following substituted:

“(b) to show the change of ownership, the municipality in which the dedicated land is located may apply to:

(i) the Controller of Surveys pursuant to section 42 of *The Land Surveys Act, 2000* to amend the plans; and

(ii) the Registrar of Titles pursuant to section 46 of *The Land Titles Act, 2000* to transfer the title”.

(4) Subsection 205(5) is amended:

(a) in the portion preceding clause (a) by striking out “Master of Titles” and substituting “Controller of Surveys or the Registrar of Titles”; and

(b) in clause (b) by striking out “Master of Titles” and substituting “Controller of Surveys or the Registrar of Titles”.

New section 205.1

409 Section 205.1 is repealed and the following substituted:

“Designation of certain reserves

205.1(1) Where a municipality acquires any land pursuant to section 194.1 for the purpose of dedicating the land as a municipal reserve, the council shall file a copy of the bylaw or resolution of the municipality dedicating the land as a municipal reserve with the Controller of Surveys who shall make the amendment on the plan of subdivision creating the land.

(2) Where the minister dedicates any land as public reserve or environmental reserve pursuant to section 194.3, the council shall file a direction from the minister to designate the land as public reserve or environmental reserve with the Controller of Surveys who shall make the amendment on the plan of subdivision creating the land.

(3) Where a municipality and one or more other municipalities acquires any land pursuant to section 198.1 for the purpose of dedicating the land as a municipal reserve, the councils of the municipalities that are parties to the agreement dedicating the land as a municipal reserve shall file with the Controller of Surveys a copy of the bylaws or resolutions of those municipalities, and the Controller of Surveys shall make the amendment on the plan of subdivision creating the land”.

Section 215 amended

410 Subsection 215(2) is amended by striking out “a caveat filed by the council in the appropriate Land Titles Office” **and substituting** “registering an interest based on the agreement against the title in the Land Titles Registry”.

New section 215.1

411 Section 215.1 is repealed and the following substituted:

“Rules for registered interests

215.1 Section 63 of *The Land Titles Act, 2000* does not apply to an interest registered pursuant to:

- (a) this Act;
- (b) *The Planning and Development Act*, being chapter P-13 of *The Revised Statutes of Saskatchewan, 1978*; or
- (c) any former *Community Planning Act*”.

Section 220.1 amended

412 Subsections 220.1(7) to (9) are repealed and the following substituted:

“(7) The development officer may register an interest based on an order made pursuant to subsection (4) in the Land Titles Registry against the affected title.

“(8) Where an interest has been registered against a title pursuant to subsection (7), the order runs with the land and is binding on the registered owner and on any subsequent registered owner.

“(9) Where an interest has been registered against a title pursuant to subsection (7) and the order made pursuant to subsection (4) has been complied with, the development officer shall discharge that interest”.

Section 223 amended

413 Clause 223(b.1) is repealed and the following substituted:

“(b.1) governing the registration of an interest based on a permit or an agreement mentioned in section 197.2 in the Land Titles Registry”.

DIVISION 34
The Potash Development Act

R.S.S. 1978, c.P-18 amended

414 *The Potash Development Act* is amended in the manner set forth in this Division.

New section 6

415 Section 6 is repealed and the following substituted:

“Corporation to file and register vesting order

6(1) As soon as is practicable after the passing of a vesting order, the corporation shall:

(a) file a copy of the vesting order, certified by the Clerk of the Executive Council to be a true copy of the vesting order, in:

(i) the office of the registration clerk for the Province of Saskatchewan at Regina;

(ii) the office of the Provincial Secretary; and

(iii) the office of the Minister of Energy and Mines; and

(b) apply to the Registrar of Titles in accordance with section 12 to:

(i) transfer title to the corporation; or

(ii) register an interest based on the vesting order in the name of the corporation.

(2) An application pursuant to clause (1)(b) must be accompanied by a copy of the vesting order, certified by the Clerk of the Executive Council to be a true copy of the vesting order”.

Section 7 repealed

416 Section 7 is repealed.

Section 11 amended

417 Subsection 11(1) is amended:

(a) by striking out “7,”; and

(b) by striking out “cancel such certificates of title and duplicate certificates of title,”.

New section 12

418 Section 12 is repealed and the following substituted:

“Notification of expropriation

12 The corporation shall serve a copy of the vesting order mentioned in section 6 on:

(a) the person whom the corporation believes to be the owner of the expropriated land or interest; and

(b) on all persons whom the corporation believes to have been secured creditors with respect to the expropriated land or interest”.

Section 13 repealed

419 Section 13 is repealed.

Section 14 amended

420 Section 14 is amended by striking out “every land titles office and of the officers administering them” **and substituting** “the Land Titles Registry”.

Section 17 amended

421 Subsection 17(1) is amended by striking out “12 or”.

New section 17.1

422 The following section is added after section 17:

“Same

17.1(1) Where there is an omission, mis-statement or error in a vesting order registered pursuant to section 6, the corporation may submit a new vesting order to the Land Titles Registry to replace or amend the original vesting order.

(2) A new vesting order submitted pursuant to subsection (1) is deemed to replace the original vesting order and has effect as if it had been submitted at the time the original vesting order was submitted.

(3) Where a vesting order is submitted pursuant to subsection (1) amending the original vesting order, the original vesting order has effect as if it had been submitted in the amended form”.

Section 19 amended

423 Clause 19(a) is repealed and the following substituted:

“(a) in the Land Titles Registry”.

DIVISION 35***The Power Corporation Act*****R.S.S. 1978, c.P-19 amended**

424 *The Power Corporation Act* is amended in the manner set forth in this Division.

Section 24 amended

425 Subsection 24(1) is amended by striking out “under *The Land Titles Act*” **and substituting** “pursuant to *The Land Titles Act, 2000*”.

New sections 25 and 26

426 Sections 25 and 26 are repealed and the following substituted:

“**Notice of requirement of land**

25(1) For the purpose of acquiring title to land that is shown as a parcel on a plan and for which title has issued, the corporation may apply to the Registrar of Titles for registration of a transfer of title.

(2) An application pursuant to subsection (1) must be accompanied by a notice that the land is required pursuant to this Part, executed on behalf of the corporation by the chairperson, president, vice-president, secretary, general counsel or assistant general counsel of the corporation.

- (3) On registration of the transfer of title mentioned in subsection (1), the Registrar of Titles shall issue title to the land to the corporation, clear of all registered interests.
- (4) For the purpose of acquiring title to a parcel of land for which title has issued but that is not shown as a parcel on a plan, the corporation shall submit a plan to the Controller of Surveys for approval in accordance with *The Land Surveys Act, 2000*.
- (5) Where the Controller of Surveys approves a plan submitted pursuant to subsection (4), the corporation shall apply to the Registrar of Titles to issue title respecting the new parcel of land.
- (6) An application pursuant to subsection (5) must be accompanied by a notice in accordance with subsection (2).
- (7) Where the Registrar of Titles issues title to the land to the corporation pursuant to an application pursuant to subsection (5), the title issues clear of all registered interests.
- (8) The corporation shall without avoidable delay forward a copy of the notice mentioned in subsection (2) to the registered owner of the title to the land and to each person appearing by the records of the Land Titles Registry to be interested in the land.

“Notice of requirement of easement

26(1) For the purpose of acquiring an easement on or with respect to a parcel of land, the corporation may register, in the Land Titles Registry, an interest based on a notice of requirement of an easement pursuant to this Part:

- (a) on terms and conditions stated in the notice; and
 - (b) signed by the chairperson, president, vice-president, secretary, general counsel or assistant general counsel of the corporation.
- (2) A notice registered pursuant to subsection (1) must:
- (a) contain a sufficient description of the land so that the land may be accurately determined; and
 - (b) in cases where a description of the land by words is insufficient, refer to a plan approved pursuant to *The Land Surveys Act, 2000*.
- (3) An easement registered as an interest pursuant to this section:
- (a) enures to the benefit of the corporation and its successors and assigns;
 - (b) runs with the land; and
 - (c) is binding on:
 - (i) the registered owner of the title to the land;
 - (ii) the registered owner’s heirs, executors, administrators and assigns; and
 - (iii) all other persons interested in the land.

(4) The corporation shall without avoidable delay forward a copy of the notice mentioned in subsection (1) to the registered owner of the title to the land and to each person appearing by the records of the Land Titles Registry to be interested in the land”.

Section 29 amended

427 Section 29 is amended by striking out “and subsection (1) of section 172 of *The Land Titles Act* do” and substituting “does”.

New section 30

428 Section 30 is repealed and the following substituted:

“Discharge of easement

30(1) In order to discharge any interest registered in accordance with section 26, the corporation shall apply to the Registrar of Titles to discharge the registration.

(2) The application for discharge mentioned in subsection (1) must be executed by the corporation under the signature of the chairperson, president, vice-president, secretary, general counsel or assistant general counsel.

(3) On discharge of the registration in accordance with this section, the easement ceases to be effective”.

Section 30.1 amended

429(1) Clause 30.1(1)(a) is repealed and the following substituted:

“(a) ‘owner’ means:

(i) the person registered in the Land Titles Registry as owner of the title to a parcel of land; or

(ii) a person who has purchased the parcel from the person mentioned in subclause (i) pursuant to an agreement for sale”.

(2) Subsection 30.1(2.1) is amended by adding “interest based on” before “an easement”.

(3) Clause 30.1(3)(b) is amended by adding “as an interest” after “registered”.

(4) Subsection 30.1(4) is amended by striking out “clause 69(c) of *The Land Titles Act*” and substituting “clause 18(1)(c) of *The Land Titles Act, 2000*”.

(5) Subsection 30.1(5) is amended:

(a) by adding “an interest based on” after “Where”; and

(b) by striking out “under *The Land Titles Act*” and substituting “pursuant to *The Land Titles Act, 2000*”.

DIVISION 36

The Proceedings against the Crown Act

R.S.S. 1978, c.P-27, section 3 amended

430 Clause 3(1)(a) of *The Proceedings against the Crown Act* is repealed and the following substituted:

“(a) proceedings against the Registrar of Titles pursuant to *The Land Titles Act, 2000*”.

DIVISION 37
The Provincial Lands Act

R.S.S. 1978, c.P-31 amended

431 *The Provincial Lands Act* is amended in the manner set forth in this Division.

Section 13 amended

432 **Subsection 13(2) is amended by striking out** “upon the issue of a certificate of title to the land” **and substituting** “on the issuance of title for the parcel of land”.

Section 20 amended

433 **Subsection 20(2) is repealed.**

New section 59

434 **Section 59 is repealed and the following substituted:**

“Issue of transfer subject to a charge on land

59(1) Where a settler or purchaser is entitled to a transfer of provincial lands and is indebted to the Crown, the minister may:

- (a) cause the transfer to issue; and
- (b) apply to the Registrar of Titles:
 - (i) for a transfer of title or for issuance of first title, as the case requires; and
 - (ii) to register an interest based on the certificate mentioned in subsection (2) against the title.

(2) An application pursuant to subclause (1)(b)(ii) must be accompanied by a certificate setting out:

- (a) the name of the debtor;
- (b) the particulars of the debt, including the total amount of the debt and the rate of interest to be paid on the debt; and
- (c) a description of the parcel of land to be charged.

(3) On registration of a transfer of title or on issuance of first title pursuant to subclause (1)(b)(i), and on registration of an interest pursuant to subclause (1)(b)(ii), the indebtedness, as set out in the certificate mentioned in subsection (2), is and remains a charge on the land until the indebtedness is satisfied and extinguished according to law”.

Section 65 amended

435 **Section 65 is amended:**

(a) by striking out “a land titles office” **and substituting** “the Land Titles Registry”; **and**

(b) by striking out “in that office” **and substituting** “in the Land Titles Registry”.

New section 79

436 Section 79 is repealed and the following substituted:**“Encumbrances vacated on cancellation**

79(1) On cancellation of a disposition of provincial lands by the minister, all registered interests, executions, liens or charges on the lands or any interest therein must, as regards the land or interest, be vacated and discharged, and the minister shall apply to the Registrar of Titles to discharge all interests registered against the affected title.

(2) An application pursuant to subsection (1) must be accompanied by the certificate of the minister stating that:

- (a) the disposition has been cancelled; and
- (b) describing the land”.

DIVISION 38

The Provincial Mediation Board Act

R.S.S. 1978, c.P-33 amended

437 *The Provincial Mediation Board Act* is amended in the manner set forth in this Division.

Section 7 amended

438 **Subsection 7(2) is amended by striking out** “a memorandum of the order is, pursuant to section 11, made on the certificate of title to the land” **and substituting** “an interest based on the board’s order is registered against the title pursuant to section 11”.

Section 7.1 amended

439 **Subsection 7.1(1) is amended by striking out** “a photocopy of the certificate of title and general record certificate” **and substituting** “a copy of the results from the search of the title”.

Section 8 amended

440 **Subsection 8(1) is amended:**

- (a) **in clause (a) by striking out** “a certificate of”; **and**
- (b) **in clause (b) by striking out** “land titles office to be the registered owner of the land immediately prior to the issuing of the certificate of title” **and substituting** “Land Titles Registry to be the registered owner of title immediately prior to the issuing of title”.

New section 9

441 Section 9 is repealed and the following substituted:**“Power to relieve municipality from certain provisions of *The Tax Enforcement Act***

9 Where the board has given its consent pursuant to subsection 7(1) or (2) without requiring the municipality to enter into an agreement pursuant to section 8, the board may, at the request of the municipality, by order made before or after title to the land affected by the consent is issued pursuant to section 24 of *The Tax Enforcement Act*, relieve the municipality with respect to that land from the restrictive provisions of section 31 of *The Tax Enforcement Act* on the condition that the council of the municipality will enter into an agreement for sale, lease option agreement or other agreement, on terms approved by the board, with:

- (a) the assessed owner of the land or with the person who was the assessed owner immediately before the issuance of the title; or
- (b) any other person named in the order who then has, or who immediately before the issuance of title had, a legal or equitable interest in the land”.

New section 11

442 Section 11 is repealed and the following substituted:**“Registration of interest based on section 7 or 10**

11 Immediately after a consent is given pursuant to subsection 7(1) or (2) or an order is made pursuant to subsection 10(1), the board shall register an interest based on the consent or order, attaching a copy of the consent or order, in the Land Titles Registry against the affected titles”.

DIVISION 39

The Public Health Act, 1994

S.S. 1994, c.P-37.1, new section 29

443 Section 29 of *The Public Health Act, 1994* is repealed and the following substituted:**“Notice of serious health hazard**

29(1) Where a local authority forms the opinion that a health hazard that exists on lands within the local authority’s jurisdictional area is so serious that persons who may be interested in the ownership of the lands require notice of the health hazard, the local authority may apply to the Registrar of Titles to register an interest based on a notice of the health hazard against the affected titles.

(2) An application pursuant to subsection (1) must be accompanied by a copy of the notice of the health hazard, in the prescribed form, containing:

- (a) the legal description of the lands on which the health hazard is located; and
- (b) a description of the health hazard.

- (3) A local authority that registered an interest pursuant to this section:
- (a) may, at any time, apply to the Registrar of Titles, in the prescribed form, to discharge the registration of the interest; and
 - (b) shall apply to the Registrar of Titles, in the prescribed form, to discharge the registration of the interest where the health hazard has been removed or remedied or is no longer so serious that persons who may be interested in the ownership of the lands do not require notice of the health hazard.
- (4) The registration of an interest may be discharged pursuant to subsection (3) with respect to:
- (a) all of the parcels of land described in the notice of the health hazard by applying for discharge in accordance with subsection (3); or
 - (b) any portion of the parcels of land described in the notice of the health hazard by applying to amend the registration of the interest.
- (5) Without limiting the generality of section 68, no action lies or shall be instituted against a local authority or an officer, employee or agent of a local authority for any loss or damage suffered by any person by reason of the failure of any of them to register an interest pursuant to this section”.

DIVISION 40

The Public Officers' Protection Act

R.S.S. 1978, c.P-40, section 2 amended

444 Subsection 2(4) of *The Public Officers' Protection Act* is amended by striking out “a registrar of land titles under *The Land Titles Act*” and substituting “the Registrar of Titles pursuant to *The Land Titles Act, 2000*”.

DIVISION 41

The Public Trustee Act

S.S. 1983, c.P-43.1 amended

445 *The Public Trustee Act* is amended in the manner set forth in this Division.

Section 5 amended

446(1) Section 5(1) is amended by striking out “every Land Titles Office,” and substituting “the Land Titles Registry and every”.

(2) Clause 5(2)(a) is amended by striking out “*The Land Titles Act*, to have a certificate of” and substituting “*The Land Titles Act, 2000*, to have”.

Section 27 amended

447 Section 27 is amended by striking out “*The Land Titles Act*” and substituting “*The Land Titles Act, 2000* and the regulations made pursuant to that Act”.

New section 28

448 Section 28 is repealed and the following substituted:**“Authority to execute instruments**

28(1) Notwithstanding any other Act, the public trustee has the authority to execute, on behalf of any infant, any instrument or application for registration pursuant to *The Land Titles Act, 2000*.

(2) Any instrument or application for registration executed by the public trustee for the purposes mentioned in subsection (1) is as binding and effectual as if the infant had executed it and had been the full age of 18 years at the time”.

Section 30 amended

449 Clause 30(1)(a) is amended by striking out “transfer, lease, mortgage or other document which would be considered an instrument for the purposes of *The Land Titles Act*” **and substituting** “document that would be considered an instrument for the purposes of *The Land Titles Act, 2000*, including an application for registration pursuant to that Act”.

New sections 35 and 36

450 Sections 35 and 36 are repealed and the following substituted:**“Notice to Registrar of Titles**

35(1) Where the public trustee acts as property guardian of a dependent adult pursuant to section 29 or 31, the public trustee shall notify the Registrar of Titles, in accordance with section 40 of *The Land Titles Act, 2000*, of the public trustee’s authority to act, accompanied by a notice that sets out the titles for which the dependent adult is a registered owner and the interests for which the dependent adult is an interest holder.

(2) Once the Registrar of Titles has been notified in accordance with subsection (1), no application for a transfer of title or for registration of an assignment of an interest to which the public trustee’s notice applies may be registered without the public trustee’s consent.

“Withdrawal or correction of notice

36(1) In any of the circumstances mentioned in subsection (2), the public trustee shall, as the case may require:

- (a) notify the Registrar of Titles of the withdrawal of the notice mentioned in section 35; or
- (b) send an additional notice to the Registrar of Titles, setting out the titles and interests affected.

(2) The public trustee shall notify the Registrar of Titles pursuant to subsection (1) where:

- (a) the public trustee discovers that another person is property guardian of a person for whom the public trustee is acting pursuant to section 29;
- (b) the public trustee ceases to act as property guardian of a person pursuant to section 38; or
- (c) an additional notice is required to notify the Registrar of Titles of an addition or deletion to a notice mentioned in section 35.

(3) Where a title or an interest to which the public trustee's notice applies is transferred or assigned, and the transfer or assignment is signed by the public trustee, the registration of the transfer of title or of the assignment of the interest in the Land Titles Registry is deemed to be a withdrawal of the notice mentioned in section 35”.

New section 40

451 Section 40 is repealed and the following substituted:

“Lien for expenses

40(1) The Public Trustee may apply to the Registrar of Titles to register an interest based on a lien for the expenses mentioned in subsection (2) against the affected titles or interests.

(2) An application pursuant to subsection (1) must be accompanied by a statement that contains a description of the parcels of land affected and that is signed by the public trustee certifying the amount of moneys expended pursuant to subsection 39(1) or lent pursuant to subsection 39(2) or the administration fees that are payable in connection with the administration of property of which the public trustee has been the property guardian.

(3) An interest registered in accordance with this section binds and forms a lien and charge on the parcels of land contained in all titles against which the interest is registered, for the amount certified in the statement mentioned in subsection (2) to the same extent as if the title was charged in writing by the owner of land under his or her hand and seal.

(4) After registration of the interest in accordance with this section, the minister may, if the minister considers it expedient to do so, proceed in court to realize on the lien and charge created by the lien.

(5) The interest registered pursuant to this section may be discharged, in whole or in part, by the registration of a discharge executed by the public trustee”.

DIVISION 42

The Public Utilities Easements Act

R.S.S. 1978, c.P-45 amended

452 *The Public Utilities Easements Act* is amended in the manner set forth in this Division.

Section 2 amended

453 Subsection 2(4) is amended by striking out “An agreement containing the grant of an easement may be registered, and upon registration” **and substituting** “On registration in the Land Titles Registry of an interest based on an agreement containing the grant of an easement in accordance with section 10,”.

New section 3

454 Section 3 is repealed and the following substituted:**“Where others interested in the land**

3(1) Where the records of the Land Titles Registry show that a person other than the registered owner is interested in the land, that person’s consent must be obtained in accordance with subsection (2) in order to register an interest.

(2) The person mentioned in subsection (1) consents to the registration if that person executes a consent, verified by the affidavit of an attesting witness, to the amount proposed to be paid as compensation and to the payment of that amount to:

- (a) the registered owner; or
- (b) with the approval of the registered owner, verified by the affidavit of an attesting witness, to some other specified person”.

Section 4 amended

455 Subsection 4(2) is amended in the portion preceding clause (a) by striking out “land titles office” and substituting “Land Titles Registry”.

Section 8 amended

456 Subsection 8(2) is amended by striking out “land titles office” and substituting “Land Titles Registry”.

New sections 10 to 13.2

457 Sections 10 to 13 are repealed and the following substituted:**“Registration**

10(1) An interest based on an easement created pursuant to this Act may be registered in the Land Titles Registry.

(2) Where the consents required by this Act are not obtained and the matter has been submitted to arbitration, an application to register the interest mentioned in subsection (1) must be accompanied by:

- (a) a sworn or notarial copy of the arbitrator’s award; and
- (b) proof of payment of the amount awarded in accordance with the terms of the arbitrator’s award.

(3) The registration of an interest pursuant to this section is invalid if:

- (a) subject to subsection (2), the required consents were not obtained; or
- (b) the application for registration of the interest was not accompanied by the documents mentioned in subsection (2).

“Filing in Abstract Directory

11 Where an interest based on the easement cannot be registered pursuant to section 10 because no title has been issued, the easement may be protected by filing it in the Abstract Directory established pursuant to *The Land Titles Act, 2000*.

“Plan respecting easement

12 If the easement is designated pursuant to section 151 of *The Land Titles Act, 2000*, a plan respecting that easement must be approved by the Controller of Surveys pursuant to *The Land Surveys Act, 2000* in order for:

- (a) the registration of an interest based on the easement in the Land Titles Registry to be valid; or
- (b) the filing of the easement in the Abstract Directory to be valid.

“Registration of an interest against an interest

13(1) An interest based on an assignment, mortgage or charge of an easement acquired under this Act may be registered in the Land Titles Registry against the affected interests.

(2) The registration of an interest pursuant to subsection (1) is only valid where the instrument purporting to assign, mortgage, or charge the easement was executed:

- (a) on behalf of the Crown, a municipal corporation or a prescribed company; or
- (b) by the owner of the public utility, railway, telegraph system, gas or oil pipe line, air training school, airfield or airport.

“Discharge of interest registered pursuant to section 10

13.1(1) An interest registered pursuant to section 10 may be discharged by applying to the Registrar of Titles to discharge the interest.

(2) A discharge mentioned in subsection (1) must be executed on behalf of the Crown or municipal corporation or by the owner of the public utility, railway, telegraph system, gas or oil pipe line, air training school, airfield or airport, as the case may be.

(3) On the registration of a discharge pursuant to this section, the rights and privileges arising under the easement cease.

“Instruments filed in the Abstract Directory

13.2 Where an easement has been filed in the Abstract Directory pursuant to section 11, any instrument purporting to assign, mortgage, charge, release or discharge the easement must also be filed in the Abstract Directory”.

DIVISION 43

The Religious Societies Land Act**R.S.S. 1978, c.R-19 amended**

458 *The Religious Societies Land Act* is amended in the manner set forth in this Division.

Section 2.1 amended

459 Section 2.1 is amended by striking out “registered owner of land” and substituting “registered owner of title for a parcel of land”.

Section 2.4 amended

460 Section 2.4 is amended by striking out “certificate of”.

New section 3

461 Section 3 is repealed and the following substituted:**“Transfer registered within one year**

3 The trustees shall, within one year after the execution of the transfer, submit the transfer to the Land Titles Registry for registration”.

New section 11

462 Section 11 is repealed and the following substituted:**“Registration in Land Titles Registry**

11(1) A transfer of title, executed by trustees under the authority of this Act, may be registered in the Land Titles Registry.

(2) An application to register a transfer of title pursuant to subsection (1) must be accompanied by a certified true copy of the special resolution of the religious society mentioned in section 10, indicating:

(a) that the resolution has been passed by a majority of not less than two-thirds of the votes cast by the members of the religious society who voted with respect to that resolution; and

(b) that the trustees gave at least 15 days’ notice specifying the intention to propose the resolution as a special resolution and the nature of the resolution”.

Section 13 amended

463 Section 13 is amended by striking out “registrar of any land registration district” and substituting “Registrar of Titles”.

New section 14

464 Section 14 is repealed and the following substituted:**“Transfer of title to land on incorporation of society or congregation**

14(1) Where a religious society for whose use land is held by trustees becomes incorporated, the trustees for the time being, or a majority of them, may transfer the title or titles to the parcel or parcels of land to the corporation.

(2) A transfer of title executed by the trustees pursuant to subsection (1) may be registered in the Land Titles Registry without further order or proceedings.

(3) On registration of the transfer pursuant to subsection (2), the title to the parcel of land becomes and is vested in the corporation for its use”.

Section 15 amended

465(1) Subsection 15(1) is amended by striking out “transfer the land” and substituting “transfer the title for the parcel of land”.

(2) Subsection 15(2) is amended by striking out “land transferred shall be deemed to be to” and substituting “title transferred is deemed to be for”.

(3) Subsection 15(3) is amended by striking out “appropriate Land Titles Office” and substituting “Land Titles Registry”.

DIVISION 44
The Rural Municipality Act, 1989

S.S. 1989-90, c.R-26.1 amended

466 *The Rural Municipality Act, 1989* is amended in the manner set forth in this Division.

Section 9 amended

467 Subsection 9(3) is amended by striking out “or a roadway created by a registered plan of survey has been widened or diverted by the registration of a plan of survey in the appropriate land titles office” **and substituting** “, or any other roadway for which title has been issued, has been widened or diverted by an approved plan of survey”.

Section 214.1 amended

468(1) Subsection 214.1(6) is repealed and the following substituted:

“(6) The council or an authorized municipal employee may register an interest, in the prescribed form, based on the order made pursuant to subsection (4) in the Land Titles Registry against the title to the parcels of land to which the order applies”.

(2) Subsection 214.1(7) is amended by striking out “Where a notice has been entered on the certificate of title” **and substituting** “Where an interest has been registered against a title”.

(3) Subsection 214.1(8) is repealed and the following substituted:

“(8) Where an interest has been registered against a title pursuant to subsection (6) and the order made pursuant to subsection (4) has been complied with, the council or an authorized municipal employee shall apply to the Registrar of Titles, in the prescribed form, to discharge the interest”.

Section 248 amended

469(1) Subsection 248(2) is amended in the portion preceding clause (a) by striking out “land titles office” **and substituting** “Land Titles Registry”.

(2) Clause 248(3)(a) is amended by striking out “land titles office” **and substituting** “Land Titles Registry”.

(3) Clause 248(9)(a) is amended by striking out “proper land titles office” **and substituting** “Land Titles Registry”.

Section 294 amended

470 Clause 294(d) is amended by striking out “land titles office”:

(a) in paragraph (i)(A); and

(b) in paragraph (ii)(A);

and in each case substituting “Land Titles Registry”.

New section 412

471 Section 412 is repealed and the following substituted:

“Voluntary transfer

412(1) A person who is the registered owner of title to a parcel of land in the municipality on which no improvement or fixture is situated may present, without consideration for the land, to the municipality a registrable transfer of title naming the municipality as the transferee.

(2) The municipality may apply to the Registrar of Titles to register the transfer of title mentioned in subsection (1) if:

- (a) there are no monetary interests registered against the title in the Land Titles Registry;
- (b) there are no monetary encumbrances otherwise against the land of which the municipality is aware; and
- (c) there are no taxes due and owing with respect to the land”.

DIVISION 45

The Sale or Lease of Certain Lands Act

R.S.S. 1978, c.S-2 amended

472 *The Sale or Lease of Certain Lands Act* is amended in the manner set forth in this Division.

Section 2 amended

473 Section 2 is amended by striking out “*The Land Titles Act*” and substituting “*The Land Titles Act, 2000*”.

Section 3 amended

474 Section 3 is amended by striking out “a copy of the order in council shall be registered in the proper land titles office” and substituting “an interest based on the order in council, accompanied by a copy of the order in council, must be registered in the Land Titles Registry”.

Section 5 amended

475 Section 5 is amended by striking out “*The Land Titles Act*” and substituting “*The Land Titles Act, 2000*”.

DIVISION 46

The Saskatchewan Evidence Act

R.S.S. 1978, c.S-16, section 22 repealed

476 Section 22 of *The Saskatchewan Evidence Act* is repealed.

DIVISION 47

The Saskatchewan Farm Security Act

S.S. 1988-89, c.S-17.1 amended

477 *The Saskatchewan Farm Security Act* is amended in the manner set forth in this Division.

Section 27.2 amended

478(1) Clause 27.2(6)(a) is amended by striking out “the final order is registered in the appropriate land titles office” **and substituting** “an application for transfer of title, accompanied by the final order, is registered in the Land Titles Registry”.

(2) Subsection 27.2(21) is amended by striking out “certificate of pending litigation or caveat may be filed in a land titles office” **and substituting** “interest based on a certificate of pending litigation or any other interest may be registered in the Land Titles Registry”.

Section 29 amended

479(1) Clause 29(1)(b) is amended by striking out “filed in the land titles office” **and substituting** “, registered in the Saskatchewan Writ Registry, and registered as an interest based on the writ against the affected titles in the Land Titles Registry”.

(2) Subsections 29(2) and (3) are repealed and the following substituted:

“(2) Where an order is made pursuant to subsection (1):

(a) the local registrar shall promptly submit a discharge of any interest registered pursuant to clause (1)(b) to the Land Titles Registry, accompanied by a copy of the order certified by the local registrar; and

(b) on registration of the discharge, the writ of execution has no effect against the lands of the farmer mentioned in the order.

“(3) The farmer mentioned in subsection (1) shall pay to the local registrar the fee for registering the discharge pursuant to subsection (2), and the local registrar shall forward that fee, together with the documents mentioned in clause (2)(a), to the Land Titles Registry”.

Section 44 amended

480 Subsections 44(5) to (8) are repealed and the following substituted:

“(5) An application for a transfer of title may be submitted to the Land Titles Registry, accompanied by a final order of foreclosure made in accordance with this section.

“(6) Where a final order of foreclosure contains a declaration that only a portion of the land described in the final order is a homestead, title may only be issued on an application pursuant to subsection (5) with respect to the land declared in the final order not to be a homestead.

“(6.1) No title is to be issued pursuant to subsection (5) except for the land declared in the final order not to be a homestead.

“(7) Notwithstanding *The Land Titles Act, 2000*, if title is issued pursuant to subsection (5) for land declared in the final order to be a homestead, the title is null and void.

“(8) A transfer of title may be submitted to the Land Titles Registry, accompanied by:

- (a) either:
 - (i) a duplicate original of a final order of foreclosure; or
 - (ii) a copy of a final order of foreclosure certified by the local registrar; and
- (b) a declaration of the court that land declared in the final order to be a homestead has ceased to be a homestead.

“(8.1) On receipt of an application pursuant to subsection (8), the Registrar shall issue title to the parcel of land described in the transfer according to the tenor of the final order”.

Section 66 amended

481 Clause 66(h) is amended by striking out “a registered” and substituting “an approved”.

Section 94 amended

482 Subsection 94(5) is amended:

- (a) by repealing clause (c) and substituting the following:**

“(c) an order directing the Registrar of Titles to prohibit registration of any transfer of title, any interest, or any amendment, assignment or discharge of an interest”; **and**
- (b) by repealing clause (e) and substituting the following:**

“(e) an order directing the Registrar of Titles to transfer a title to the person or persons who are entitled to the title”.

DIVISION 48

The Saskatchewan Housing Corporation Act

R.S.S. 1978, c.S-24 amended

483 *The Saskatchewan Housing Corporation Act* is amended in the manner set forth in this Division.

Section 4 amended

484(1) Subsection 4(7) is amended by striking out “every land titles office,” and substituting “the Land Titles Registry and every”.

(2) Clause 4(8)(a) is amended by striking out “*The Land Titles Act*, to have a certificate of” and substituting “*The Land Titles Act, 2000*, to have”.

DIVISION 49

The Saskatchewan Property Management Corporation Act

S.S. 1986-87-88, c.S-32.3 amended

485 *The Saskatchewan Property Management Corporation Act* is amended in the manner set forth in this Division.

Section 12 amended

486 Clause 12(1)(n) is repealed.

Section 25 amended

487 Subsections 25(4) and (5) are repealed and the following substituted:

“(4) Where an order made pursuant to subsection (1) transfers land to the corporation, the corporation shall apply to the Registrar of Titles to transfer the title to the land to the corporation.

“(4.1) Where an order made pursuant to subsection (1) transfers an interest in land to the corporation, the corporation shall apply to the Registrar of Titles to assign the interest to the corporation.

“(5) An application pursuant to subsection (4) or (4.1) must be accompanied by a copy of the order made pursuant to subsection (1), certified by the Clerk of the Executive Council.

“(5.1) The Registrar of Titles shall not charge any fee in connection with an application pursuant to subsection (4) or (4.1).

“(5.2) An application pursuant to subsection (4) or (4.1) must only be made where the land or interest transferred is under *The Land Titles Act, 2000*”.

DIVISION 50

The Saskatchewan Telecommunications Act

R.S.S. 1978, c.S-34 amended

488 *The Saskatchewan Telecommunications Act* is amended in the manner set forth in this Division.

Section 21 amended

489 Subsection 21(1) is amended by striking out “under *The Land Titles Act*” and substituting “pursuant to *The Land Titles Act, 2000*”.

New sections 22 and 23

490 Sections 22 and 23 are repealed and the following substituted:

“Notice of requirement of land

22(1) For the purpose of acquiring title to land that is shown as a parcel on a plan and for which title has issued, the corporation may apply to the Registrar of Titles for registration of a transfer of title.

(2) An application pursuant to subsection (1) must be accompanied by a notice that the land is required pursuant to this Part, executed on behalf of the corporation by the chairperson, president, vice-president, secretary, general counsel or assistant general counsel of the corporation.

(3) On registration of the transfer of title mentioned in subsection (1), the Registrar of Titles shall issue title to the land to the corporation, clear of all registered interests.

(4) For the purpose of acquiring title to a parcel of land for which title has issued but that is not shown as a parcel on a plan, the corporation shall submit a plan to the Controller of Surveys for approval in accordance with *The Land Surveys Act, 2000*.

(5) Where the Controller of Surveys approves a plan submitted pursuant to subsection (4), the corporation shall apply to the Registrar of Titles to issue title respecting the new parcel of land.

(6) An application pursuant to subsection (5) must be accompanied by a notice in accordance with subsection (2).

(7) Where the Registrar of Titles issues title to the land to the corporation pursuant to an application pursuant to subsection (5), the title issues clear of all registered interests.

(8) The corporation shall without avoidable delay forward a copy of the notice mentioned in subsection (2) to the registered owner of the title to the land and to each person appearing by the records of the Land Titles Registry to be interested in the land.

“Notice of requirement of easement

23(1) For the purpose of acquiring an easement on or with respect to a parcel of land, the corporation may register, in the Land Titles Registry, an interest based on a notice of requirement of an easement pursuant to this Part:

- (a) on terms and conditions stated in the notice; and
 - (b) signed by of the chairperson, president, vice-president, secretary, general counsel or assistant general counsel of the corporation.
- (2) A notice registered pursuant to subsection (1) must:
- (a) contain a sufficient description of the land so that the land may be accurately determined; and
 - (b) in cases where a description of the land by words is insufficient, refer to a plan approved pursuant to *The Land Surveys Act, 2000*.
- (3) An easement registered as an interest pursuant to this section:
- (a) enures to the benefit of the corporation and its successors and assigns;
 - (b) runs with the land; and
 - (c) is binding on:
 - (i) the registered owner of the title to the land;
 - (ii) the registered owner’s heirs, executors, administrators and assigns; and
 - (iii) all other persons interested in the land.
- (4) The corporation shall without avoidable delay forward a copy of the notice mentioned in subsection (1) to the registered owner of the title to the land and to each person appearing by the records of the Land Titles Registry to be interested in the land”.

Section 26 amended

491 Section 26 is amended by striking out “and subsection 172(1) of *The Land Titles Act* do” **and substituting** “does”.

New section 27

492 Section 27 is repealed and the following substituted:

“Discharge of easement

27(1) In order to discharge any interest registered in accordance with section 23, the corporation shall apply to the Registrar of Titles to discharge the registration.

(2) The application for discharge mentioned in subsection (1) must be executed by the corporation under the signature of the chairperson, president, vice-president, secretary, general counsel or assistant general counsel.

(3) On discharge of the registration in accordance with this section, the easement ceases to be effective”.

Section 27.1 amended

493(1) Clause 27.1(1)(a) is repealed and the following substituted:

“(a) ‘owner’ means:

(i) the person registered in the Land Titles Registry as owner of the title to a parcel of land; or

(ii) a person who has purchased the parcel from the person mentioned in subclause (i) pursuant to an agreement for sale”.

(2) Subsection 27.1(2) is amended by adding “interest based on an” **before** “easement”.

(3) Subsection 27.1(3) is amended by adding “as an interest” **after** “registered”.

(4) Subsection 27.1(4) is amended by striking out “clause 69(c) of *The Land Titles Act*” **and substituting** “clause 18(1)(c) of *The Land Titles Act, 2000*”.

(5) Subsection 27.1(5) is amended:

(a) by adding “an interest based on” **after** “Where”; **and**

(b) by striking out “under *The Land Titles Act*” **and substituting** “pursuant to *The Land Titles Act, 2000*”.

DIVISION 51
The SaskEnergy Act

S.S. 1992, c.S-35.1 amended

494 *The SaskEnergy Act* is amended in the manner set forth in this Division.

New section 31

495 Section 31 is repealed and the following substituted:

“Notice of requirement of easement

31(1) For the purpose of acquiring an easement on or with respect to a parcel of land, the corporation or TransGas may register, in the Land Titles Registry, an interest based on a notice of requirement of an easement pursuant to this Part:

- (a) on terms and conditions stated in the notice; and
 - (b) signed by the president, vice-president, corporate secretary or assistant corporate secretary of the corporation or TransGas.
- (2) A notice registered pursuant to subsection (1) must:
- (a) contain a sufficient description of the land so that the land may be accurately determined; and
 - (b) in cases where a description of the land by words is insufficient, refer to a plan approved pursuant to *The Land Surveys Act, 2000*.
- (3) An easement registered as an interest pursuant to this section:
- (a) enures to the benefit of the corporation and its successors and assigns or TransGas and its successors and assigns;
 - (b) runs with the land;
 - (c) is binding on:
 - (i) the registered owner of the title to the land;
 - (ii) the registered owner’s heirs, executors, administrators and assigns; and
 - (d) has priority and is binding on all other persons interested in the land.
- (4) The corporation or TransGas shall without avoidable delay forward a copy of the notice mentioned in subsection (1) to the registered owner of the title to the land and to each person appearing by the records of the Land Titles Registry to be interested in the land”.

Section 32 amended

496 Section 32 is amended by striking out “and subsection 172(1) of *The Land Titles Act* do” and substituting “does”.

Section 33 amended**497(1) Clause 33(1)(a) is repealed and the following substituted:**

“(a) ‘owner’ means:

(i) the person registered in the Land Titles Registry as owner of the title to a parcel of land; or

(ii) a person who has purchased the parcel from the person mentioned in subclause (i) pursuant to an agreement for sale”.

(2) Subsection 33(3) is amended by adding “an interest based on” before “an easement”.

(3) Clause 33(6)(b) is amended by adding “as an interest” after “registered”.

(4) Subsection 33(7) is amended by striking out “clause 69(m) of *The Land Titles Act*” and substituting “clause 18(1)(h) of *The Land Titles Act, 2000*”.

Section 55 amended**498(1) Subsection 55(1) is amended:**

(a) in the portion preceding clause (a) by striking out “recorded pursuant to *The Land Titles Act*” and substituting “registered pursuant to *The Land Titles Act, 2000*”; and

(b) in subclause (a)(ii) by striking out “*The Land Titles Act*, have a certificate of” and substituting “*The Land Titles Act, 2000*, have”.

(2) Subsections 55(3) to (6) are repealed and the following substituted:

“(3) It is not necessary to notify the Land Titles Registry that the interest in land is held jointly in accordance with subsection (2).

“(4) Where SaskPower sold or assigned property to the predecessor corporation prior to the coming into force of this section, the corporation may apply to the Registrar of Titles to change the name and address shown on any title or interest to that of the corporation or a subsidiary of the corporation.

“(5) An application pursuant to subsection (4) must be accompanied by an affidavit of an officer of the corporation:

(a) stating that the title has been transferred or the interest assigned to the predecessor corporation by SaskPower and is therefore owned by the corporation pursuant to this Act;

(b) stating that this section applies to the title or interest mentioned in the affidavit or a schedule to the affidavit; and

(c) specifying the name and address of the corporation to which the title is being transferred or interest is being assigned pursuant to this section.

“(6) The Registrar of Titles shall charge the fees required by *The Land Titles Act, 2000* for a change of name and change of address with respect to a title or an interest, respectively.

“(7) Notwithstanding subsection (6), no fees are to be charged for changes made to a title or interest pursuant to an application mentioned in subsection (4) where that application accompanies an application:

- (a) to register a transfer of title;
- (b) to register an interest based on a mortgage;
- (c) to register an assignment or discharge of an interest; or
- (d) to otherwise deal with the land”.

DIVISION 52
The Securities Act, 1988

S.S. 1988-89, c.S-42.2 amended

499 *The Securities Act, 1988* is amended in the manner set forth in this Division.

Section 135.4 amended

500(1) Subsections 135.4(7) and (8) are repealed and the following substituted:

“(7) In any of the circumstances mentioned in subsection (3), the Commission may send to the department a notice that proceedings are being or are about to be taken that may affect land or a Crown disposition belonging to the person or company mentioned in the notice.

“(8) Where the Commission sends out a notice pursuant to subsection (7), the Commission must register an interest based on the notice in the Land Titles Registry against the affected titles.

“(8.1) An interest registered pursuant to subsection (8) has the same effect as a registered interest based on a certificate of pending litigation”.

(2) The following subsection is added after subsection 135.4(9):

“(9.1) Where the Commission revokes or modifies its notice pursuant to subsection (9), the Commission must:

- (a) in the case of a revocation, register a discharge in the Land Titles Registry of the interest registered pursuant to subsection (8); or
- (b) in the case of a modification, register an amendment in the Land Titles Registry to the interest registered pursuant to subsection (8)”.

Section 157 amended

501(1) Clause 157(1)(a) is repealed and the following substituted:

“(a) the Registrar of Titles”.

(2) Subsection 157(2) is amended:

(a) by striking out “any land titles office” and substituting “the Land Titles Registry”; and

(b) by adding “, the Saskatchewan Writ Registry” after “Personal Property Registry”.

DIVISION 53
The Seed Grain Advances Act

R.S.S. 1978, c.S-46, section 4 amended

502 Section 4 of *The Seed Grain Advances Act* is amended by striking out “*The Land Titles Act*, and without registration in a land titles office” and substituting “*The Land Titles Act, 2000*, and without registration in the Land Titles Registry”.

DIVISION 54
The Subdivisions Act

R.S.S. 1978, c.S-62 amended

503 *The Subdivisions Act* is amended in the manner set forth in this Division.

Section 2 amended

504 Subsection 2(1) is amended by striking out “according to a registered plan” and substituting “and titled pursuant to *The Land Surveys Act, 2000* and *The Land Titles Act, 2000*”.

Section 3 amended

505 Subsection 3(1) is amended by striking out “registered or unregistered” and substituting “approved in accordance with *The Land Surveys Act, 2000* or not and whether titles have issued under the plan pursuant to *The Land Titles Act, 2000* or not”.

Section 4 amended

506(1) Subsection 4(1) is amended in the portion preceding clause (a) by striking out “in accordance with a registered plan, and it appears to the Master of Titles” and substituting “and titled pursuant to *The Land Surveys Act, 2000* and *The Land Titles Act, 2000*, and it appears to the Registrar of Titles”.

(2) Subsection 4(2) is amended:

(a) in the portion preceding clause (a) by striking out “Master of Titles” and substituting “Registrar of Titles”; and

(b) by repealing clause (b) and substituting the following:

“(b) order the amendment or alteration of any plan of survey, the cancellation of the titles issued according to the original plan and the issuance of new titles according to the new and amended plan authorized pursuant to this section”.

(3) Subsection 4(3) is amended:

(a) by striking out the portion preceding clause (a) and substituting the following:

“If, on application for amendment or alteration of a plan of survey, it appears to the Registrar of Titles that the registered owner of any land affected is dead and has no legal representative, the Registrar of Titles may.”; and

(b) in clause (b) by striking out “certificate of title” wherever it appears and in each case substituting “title”.

(4) Subsection 4(5) is repealed and the following substituted:

“(5) A municipality, on applying pursuant to *The Tax Enforcement Act* for title to a number of lots in a subdivision that has been approved and titled pursuant to *The Land Surveys Act, 2000* and *The Land Titles Act, 2000*, may apply for amendment or alteration of the plan of subdivision or of a portion of the plan before obtaining title.

“(5.1) Where a municipality applies for an amendment or alteration pursuant to subsection (5), the Registrar of Titles may exercise the powers conferred on him or her pursuant to subsections (1), (2) and (3) in the same manner and to the same extent that the Registrar of Titles might do if the municipality were owner of the lots to which title is applied for and which remain unredeemed”.

(5) Subsection 4(6) is amended:

(a) by striking out “Master of Titles” and substituting “Registrar of Titles”; and

(b) by striking out “*The Land Titles Act*” and substituting “*The Land Titles Act, 2000*”.

(6) Subsection 4(7) is amended by striking out “Master of Titles” and substituting “Registrar of Titles”.**Section 5 amended**

507 Section 5 is amended by striking out “Master of Titles” wherever it appears and in each case substituting “Registrar of Titles”.

Section 6 amended

508 Section 6 is amended by striking out “Master of Titles” and substituting “Registrar of Titles”.

Section 7 amended

509 Section 7 is amended by striking out “Master of Titles” wherever it appears and in each case substituting “Registrar of Titles”.

DIVISION 55

The Surface Rights Acquisition and Compensation Act**R.S.S. 1978, c.S-65 amended**

510 *The Surface Rights Acquisition and Compensation Act* is amended in the manner set forth in this Division.

Section 2 amended**511 Section 2 is amended:**

(a) in subclause (i)(i) by striking out “other than a mineral owner unless he is also the owner of the surface of the land, in whose name a certificate of title has been issued under *The Land Titles Act*” and substituting “, who is the registered owner of a surface title issued pursuant to *The Land Titles Act, 2000*”; and

(b) in subclause (m)(i) by striking out “except mines and minerals within the meaning of *The Land Titles Act*” and substituting “except mineral commodities within the meaning of *The Land Titles Act, 2000*”.

New sections 92 and 93

512 Sections 92 and 93 are repealed and the following substituted:**“Registration of an interest based on the order**

92(1) An interest based on an order of the board or court may be registered in the Land Titles Registry against the affected titles.

(2) An application to register the interest mentioned in subsection (1) must:

(a) be accompanied by:

(i) the order of the board or court; or

(ii) a certified copy of the order of the board or court; and

(b) set out the address for service for the operator.

“Discharge of interest

93(1) Where the rights of an operator pursuant to an order of the board or court have ceased or have been cancelled or abandoned by the operator, the operator shall discharge any interest registered pursuant to section 92 based on that order.

(2) Where an operator fails to discharge the interest pursuant to subsection (1), the interest may be discharged pursuant to section 63 of *The Land Titles Act, 2000* at the expense of the operator”.

Section 94 amended

513(1) Subsection 94(1) is amended by striking out “Every registrar of land titles” and substituting “The Land Titles Registry”.

(2) Subsection 94(2) is amended by striking out “a land titles office” and substituting “the Land Titles Registry”.

DIVISION 56

The Tax Enforcement Act

R.S.S. 1978, c.T-2 amended

514 *The Tax Enforcement Act* is amended in the manner set forth in this Division.

Section 2 amended

515 Section 2 is amended:

(a) in subclause (g)(i) by striking out “registered subdivision” and substituting “plan of subdivision that has been approved by the Controller of Surveys,”; and

(b) by repealing clause (h) and substituting the following:

“(h) ‘**registrar**’ means the Registrar as defined in *The Land Titles Act, 2000*”.

Section 3 amended

516 Subsection 3(2) is repealed and the following substituted:

“(2) The list need not include any parcel with respect to which an interest based on a tax lien has been registered pursuant to section 10 unless the interest has been discharged”.

Section 4 amended

517 Subsection 4(2) is amended by striking out “the tax lien mentioned in section 10 is forwarded to the registrar” **and substituting** “an interest, based on the tax lien mentioned in section 10, is submitted to the registrar for registration”.

Section 5 amended

518 Section 5 is amended by striking out “a tax lien” **and substituting** “an interest based on a tax lien in the Land Titles Registry”.

New section 10

519 Section 10 is repealed and the following substituted:

“Registration of tax lien

10(1) After the 60-day period mentioned in section 5 has expired and not later than the thirty-first day of January next following, the treasurer shall apply to the registrar to register an interest based on a tax lien against the title to every parcel of land:

- (a) included in the list published pursuant to section 4; and
- (b) against which the taxes are in arrears at the time of the application to the registrar.

(2) On an application pursuant to subsection (1), the treasurer shall attach the tax lien:

- (a) in the prescribed form; and
- (b) in duplicate.

(3) An interest based on a tax lien may be registered in the Land Titles Registry pursuant to this section notwithstanding any distress that may be on the land.

(4) The fees paid by a municipality for registration of an interest pursuant to this section are to be added to the amount of the arrears of taxes.

(5) An interest registered in accordance with this section, whether registered before or after the coming into force of this section, is deemed to apply to all arrears of taxes with respect to the parcel of land whether or not those arrears are with respect to taxes that were levied before or after the registration of the interest”.

Section 11 amended

520 Subsection 11(1) is amended by striking out “a tax lien is registered, the assessor may, before registration of the lien” **and substituting** “an interest based on a tax lien is registered, the assessor may, before registration of the interest”.

New sections 12 and 13

521 Sections 12 and 13 are repealed and the following substituted:

“Duration of lien

12 Subject to section 30, after an interest based on a tax lien has been registered in the Land Titles Registry it may only be discharged:

- (a) by the treasurer;
- (b) pursuant to section 19; or
- (c) when title is issued to the municipality in accordance with section 26.1.

“Discharge of lien improperly registered

13 If, through an error, mistake or misdescription or from any other cause, an interest based on a tax lien has been improperly registered in the Land Titles Registry, the treasurer shall, on resolution of the council, apply to the registrar, in the prescribed form, to discharge the registration”.

Section 14 amended

522 Section 14 is amended by striking out “the tax lien” and substituting “an interest based on a tax lien”.

Section 15 amended

523 Section 15 is amended by striking out “a lien” and substituting “an interest based on a tax lien”.

Section 16 amended

524(1) Subsection 16(1) is amended by striking out “the registration of a tax lien” and substituting “an interest based on a tax lien has been registered in the Land Titles Registry,”.

(2) Subsection 16(2) is amended by adding “an interest based on” before “a tax lien”.

Section 17 amended

525(1) Subsection 17(1) is repealed and the following substituted:

“(1) After a municipality has registered an interest based on a tax lien, the municipality may apply to a judge of the Court of Queen’s Bench sitting at the judicial centre nearest to which the property is situated for an order mentioned in subsection (1.2) where:

(a) the buildings on the parcel of land against which the municipality has registered the interest are materially deteriorating in value or are likely to deteriorate in value unless preventative measures are taken; and

(b) either:

(i) the owner has abandoned the property; or

(ii) the property is unoccupied and the municipality has requested that the owner prevent deterioration or further deterioration of the buildings, as the case may be, within a designated reasonable period, and the owner has failed to do so.

“(1.1) An application pursuant to subsection (1) must be supported by an affidavit or declaration of the clerk or treasurer of the municipality respecting the matters mentioned in clauses (1)(a) and (b).

“(1.2) An on application pursuant to this section, the judge may make an order:

(a) authorizing the municipality to enter on the land and into the buildings at any time during a specified period for the purpose of preventing deterioration or further deterioration of the buildings, as the case may be; or

(b) abridging the period that pursuant to this Act must elapse between:

(i) the date the interest based on the tax lien is registered; and

(ii) the issuance of title in the name of the municipality.

“(1.3) If an abridgement order is made pursuant to clause (1.2)(b), the clerk or the treasurer shall register an interest based on the order in the Land Titles Registry, attaching a copy of the order duly certified by the local registrar of the court”.

(2) Subsection 17(3) is amended by striking out “land titles office” and substituting “Land Titles Registry”.

Section 18 amended

526 Subsection 18(1) is amended by striking out “land against which” and substituting “a parcel of land for which title has issued and against which an interest based on”.

New section 19

527 Section 19 is repealed and the following substituted:

“Redemption of land and discharge of tax lien as to land and minerals

19(1) The treasurer shall apply to the registrar, in the prescribed form, to discharge the registration of an interest based on a tax lien:

(a) if the registered owner of the title against which the municipality registered the interest pursuant to this Act, or if the registered owner’s executors, administrators or assigns or any other person on the registered owner’s behalf, pays to the treasurer:

- (i) the arrears of taxes;
- (ii) the expired portion of any insurance premium paid by the municipality pursuant to subsection 16(2);
- (iii) the cost of advertising mentioned in section 4;
- (iv) the prescribed fee for registration of the interest;
- (v) the amount of any disbursements necessarily made by the municipality, or by a person, including a solicitor, acting on behalf of the municipality, in proceeding to acquire title, exclusive of any amounts payable pursuant to subclause (vi);
- (vi) subject to any prescribed maximum amounts or the appropriate maximum amount set out in a schedule of prescribed maximum amounts, all legal and administrative costs incurred by the municipality in acting pursuant to this Act with respect to the land, including a reasonable amount to reflect time expended and costs incurred by persons who are employees or officers of the municipality and who are acting in a legal or administrative capacity;
- (vii) the prescribed fee to discharge the interest; and

(viii) subject to any prescribed maximum amounts, any other costs incurred by the municipality in acting pursuant to this Act with respect to the land, including the costs of:

- (A) repair, including repair to buildings, parts of buildings, structures and fixtures;
- (B) maintenance;
- (C) cleaning, including the cleaning of environmental contamination; and
- (D) the fee paid by the municipality pursuant to subsection 7.1(2) of *The Provincial Mediation Board Act*; or

(b) if the land is redeemed pursuant to section 20.

(2) On application, the Provincial Mediation Board may permit a prescribed maximum amount of costs mentioned in subclause (1)(a)(vi) or (viii) to be exceeded if, in the Provincial Mediation Board's opinion, it is appropriate to do so in the circumstances.

(3) The costs and expenses provided for in subclauses (1)(a)(ii) to (viii) are to be recorded separately on the tax roll of the municipality, and all payments made with respect to the land are to be first applied toward the payment of those costs and expenses.

(4) Where severance of title has taken or takes place after the registration of an interest based on a tax lien in the Land Titles Registry and where the municipality has not paid the taxes due and payable pursuant to *The Mineral Taxation Act, 1983* or any former *Mineral Taxation Act* with respect to the land and minerals, the treasurer shall, on receipt of a certificate from the Deputy Minister of Energy and Mines that all the taxes have been paid, apply to the registrar, in the prescribed form, to discharge the registration of the interest.

(5) The treasurer may accept payment in instalments of the arrears of taxes and other sums mentioned in subsection (1), but a partial payment does not affect the right of the municipality to apply for title pursuant to section 22".

Section 20 amended

528(1) Subsection 20(1) is amended by striking out "land against which a tax lien has been registered may redeem the land under the conditions mentioned in subsection (1) of section 19" **and substituting** "title to a parcel of land against which an interest based on a tax lien has been registered may redeem the land under the conditions mentioned in subsection 19(1)".

(2) Subsection 20(3) is amended by adding "an interest based on" **after** "The holder of".

Section 21 amended**529 Subsection 21(1) is repealed and the following substituted:**

“(1) If the consent of the municipality is first obtained, any portion of a parcel of land for which title has issued and with respect to which an interest based on a tax lien has been registered may be redeemed by payment of a proportionate amount of the arrears of taxes and costs”.

Section 22 amended**530(1) Subsection 22(1) is repealed and the following substituted:**

“(1) At any time after the expiration of six months from the date on which the municipality’s interest based on a tax lien was registered in the Land Titles Registry, the municipality may, by resolution, authorize proceedings to request title to any parcel included in the list with respect to which the arrears of taxes have not been paid and the interest based on the tax lien has not been discharged”.

(2) Subsection 22(2) is repealed and the following substituted:

“(2) A request for title pursuant to section 26 or 26.1 is deemed to be and is to be dealt with by the registrar as an application, as the case may be:

- (a) for first title pursuant to *The Land Titles Act, 2000*; or
- (b) for a transfer of title pursuant to *The Land Titles Act, 2000*”.

Section 23 amended**531(1) Subsection 23(1) is repealed and the following substituted:**

“(1) After the municipality authorizes proceedings for title to any parcel pursuant to subsection 22(1), the treasurer shall requisition from the registrar, for the purposes of title acquisition, a search of the title”.

(2) Subsection 23(2) is amended in the portion preceding clause (a) by striking out “copy of the certificate of title and general record certificate” and substituting “results of the search requested pursuant to subsection (1)”.**(3) Clause 23(3)(b) is amended by striking out “a certificate of”.****(4) Subsection 23(10) is amended by striking out “Land Titles Office” and substituting “Land Titles Registry”.****Section 24 amended****532(1) Subsection 24(1) is repealed and the following substituted:**

“(1) Subject to sections 7 and 10 of *The Provincial Mediation Board Act*, after the expiration of six months after the date of service of the last person according to subsection 23(15), if the land is not redeemed, the treasurer shall requisition from the registrar, for the purposes of title acquisition, a search of the title for the parcel”.

(2) Subsection 24(2) is amended:

(a) in the portion preceding clause (a) by striking out “copy of the certificate of title and general record certificate” and substituting “results of the search”; and

(b) in the portion following clause (b) by striking out “a certificate of”.

- (3) **Clause 24(3)(b) is amended by striking out “a certificate of”.**
- (4) **Subsection 24(5) is amended by striking out “Office” and substituting “Registry”.**
- (5) **Subsection 24(6) is amended by striking out “Office” and substituting “Registry”.**

Section 26 amended

533(1) Clause 26(1)(a) is repealed.

(2) Subsection 26(2) is amended by striking out “submit a request for title in the prescribed form to the registrar of the appropriate land registration district” and substituting “apply to the registrar, in the prescribed form, for registration of a transfer of title”.

(3) Subsection 26(4) is amended by striking out “a request for title” and substituting “an application for registration of a transfer of title”.

New section 26.1

534 Section 26.1 is repealed and the following substituted:

“Where value greater than \$2000

26.1(1) If the land has not been redeemed after the expiration of 30 days from the date of service of the persons required to be served pursuant to subsection 24(2), the municipality may apply to the registrar for registration of a transfer of title.

(2) The registrar shall accept an application pursuant to this section notwithstanding that title to the land is in the name of the municipality.

(3) Subject to subsection (4), an application pursuant to this section must include only parcels of land contained in one title, except where:

(a) parcels of land held under different titles belong to the same registered owner; or

(b) the ownership of a parcel of land is composed of undivided interests covered by different titles.

(4) An application pursuant to this section may include any number of parcels according to the same plan of survey approved by the Controller of Surveys.

(5) No application pursuant to this section may be made unless the consent of the Provincial Mediation Board is obtained.

(6) Where the Provincial Mediation Board notifies the registrar that the Board has issued an order prohibiting the registration of a transfer of title, the registrar shall not accept an application pursuant to this section unless the Provincial Mediation Board subsequently notifies the registrar of the Board's consent.

(7) On receipt of an application pursuant to this section, the registrar shall issue title to the municipality pursuant to *The Land Titles Act, 2000*, and the title is in every respect of the same force and validity and has the same effect as any other title issued pursuant to *The Land Titles Act, 2000*.

- (8) Where title is issued pursuant to subsection (7), all prior interests are extinguished, subject to:
- (a) section 27; and
 - (b) any interest of the Crown entitled to priority, whether acquired, registered against the title in the Land Titles Registry, or filed in the Abstract Directory established pursuant to *The Land Titles Act, 2000*, before or after registration of the municipality's interest based on a tax lien.
- (9) The municipality is not entitled to become the registered owner of mineral commodities within a mineral parcel pursuant to this section, except where:
- (a) the land is within any city, town or village;
 - (b) the land has been subdivided into lots or blocks, or as a townsite, and a plan of survey has been approved by the Controller of Surveys; or
 - (c) the request for title is with respect to an interest based on a tax lien registered before May 1, 1964, and the municipality certifies that the lien included taxes owing prior to January 1, 1945".

New section 27**535 Section 27 is repealed and the following substituted:****“Certain interests not affected by issue of title**

- 27(1) Subject to subsection (2), after title has issued to the municipality, no person except the municipality or those claiming through or under the municipality has any estate or interest in or claim to the whole or any part of the parcel of land for which the title has issued where that person's estate, interest or claim accrued or commenced to accrue before the title was issued.
- (2) The parcel of land for which title has issued to the municipality remains subject to the following interests where the interest arose before the title was issued to the municipality:
- (a) existing registered interests based on easements and party wall agreements;
 - (b) conservation easements within the meaning of *The Conservation Easements Act*;
 - (c) rights acquired pursuant to *The Public Utilities Easements Act*;
 - (d) registered interests based on rights of way or other easements issued or acquired pursuant to *The Irrigation Districts Act*, *The Water Rights Act* or *The Water Corporation Act*;
 - (e) interests registered by or on behalf of the Minister of Highways and Transportation, the Minister of Municipal Affairs, Culture and Housing or the Minister of Finance;
 - (f) interests registered on behalf of a municipality;
 - (g) the rights pursuant to section 36 of a person in actual occupation of the land”.

New section 30**536 Section 30 is repealed and the following substituted:****“Grounds for removal of tax lien**

30(1) Notwithstanding any defect in the assessment, levy or other proceedings, the registration of an interest based on a tax lien may not be discharged except where:

(a) the taxes for the year or years with respect to which the interest was registered had been paid; or

(b) the parcel of land was not liable to taxation for the year or years with respect to which the interest was registered.

(2) All actions or other proceedings to discharge the registration of an interest based on a tax lien must be brought or taken against the municipality, but no action or proceeding may be brought or taken after the issuance of title to the municipality.

(3) After the issuance of title to the municipality, the former owner or his or her assigns have no claim for damages against the municipality”.

Section 31 amended**537 Subsection 31(8) is repealed.****Section 34 amended****538(1) Subsection 34(1) is amended by striking out “certificate of”.****(2) Subsection 34(2) is repealed and the following substituted:**

“(2) After the issuance of title to the municipality, the council of the municipality may, by resolution, abate or cancel the taxes that would otherwise be payable with respect to the land from the date of issuance of the title to the end of the year”.

Section 36 amended**539 Subsection 36(1) is amended by striking out “certificate of” wherever it appears.****Section 37 repealed****540 Section 37 is repealed.**

DIVISION 57

*The Urban Municipality Act, 1984***S.S. 1983-84, c.U-11 amended**

541 *The Urban Municipality Act, 1984* is amended in the manner set forth in this Division.

Section 8 amended

542 **Clause 8(1)(d) is amended by striking out “registrar of land titles” and substituting “Registrar of Titles”.**

Section 124 amended

543(1) Subsection 124(3) is amended in the portion preceding clause (a) by striking out “Office” and substituting “Registry”.

(2) Clause 124(3.1)(a) is amended by striking out “Office” and substituting “Registry”.

(3) Subsection 124(3.2) is repealed and the following substituted:

“(3.2) The council or an authorized municipal employee may register an interest, in the prescribed form, based on the order made pursuant to subsection (3) in the Land Titles Registry against the title to the parcels of land to which the order applies”.

(4) Subsection 124(3.3) is amended by striking out “Where a notice has been entered on the certificate of title” and substituting “Where an interest has been registered against a title”.

(5) Subsection 124(3.4) is repealed and the following substituted:

“(3.4) Where an interest has been registered against a title pursuant to subsection (3.2) and the order made pursuant to subsection (3) has been complied with, the council or an authorized municipal employee shall apply to the Registrar of Titles, in the prescribed form, to discharge the interest”.

(6) Subsection 124(9) is amended by striking out “proper Land Titles Office” and substituting “Land Titles Registry”.

Section 126 amended

544(1) Subsection 126(2) is amended by striking out “Office” and substituting “Registry”.

(2) Subsection 126(5.1) is repealed and the following substituted:

“(5.1) The council or an authorized municipal employee may register an interest, in the prescribed form, based on the order made pursuant to subsection (4) in the Land Titles Registry against the title to the parcels of land to which the order applies”.

(3) Subsection 126(5.2) is amended by striking out “Where a notice has been entered on the certificate of title” and substituting “Where an interest has been registered against a title”.

(4) Subsection 126(5.3) is repealed and the following substituted:

“(5.3) Where an interest has been registered against a title pursuant to subsection (5.1) and the order made pursuant to subsection (4) has been complied with, the council or an authorized municipal employee shall apply to the Registrar of Titles, in the prescribed form, to discharge the interest”.

Section 136 amended

545(1) Subsection 136(7) is repealed and the following substituted:

“(7) The council or an authorized municipal employee may register an interest, in the prescribed form, based on the order made pursuant to subsection (5) in the Land Titles Registry against the title to the parcels of land to which the order applies”.

(2) Subsection 136(8) is amended by striking out “Where a notice has been entered on the certificate of title” and substituting “Where an interest has been registered against a title”.

(3) Subsection 136(9) is repealed and the following substituted:

“(9) Where an interest has been registered against a title pursuant to subsection (7) and the order made pursuant to subsection (5) has been complied with, the council or an authorized municipal employee shall apply to the Registrar of Titles, in the prescribed form, to discharge the interest”.

Section 244 amended

546 Clause 244(1)(d) is amended:

(a) in paragraph (i)(A) by striking out “Office” and substituting “Registry”; and

(b) in paragraph (ii)(A) by striking out “Office” and substituting “Registry”.

Section 270 amended

547 Subsection 270(1) is amended by striking out “a parcel of land is subdivided or a condominium plan is registered after the assessment roll is confirmed” and substituting “, after the assessment roll is confirmed, a parcel of land is subdivided or titles are issued pursuant to a condominium plan that is approved by the Controller of Surveys”.

New section 290

548 Section 290 is repealed and the following substituted:

“Discharge of tax lien

290 If lands or improvements with respect to which taxes are levied are subject to an interest based on a tax lien registered pursuant to any *Tax Enforcement Act*, the treasurer shall discharge the registration of that interest on compromise, abatement or payment of all amounts in arrears with respect to taxes that were levied before and after the registration of that interest”.

DIVISION 58

The Wakamow Valley Authority Act

S.S. 1980-81, c.W-1.1 amended

549 *The Wakamow Valley Authority Act* is amended in the manner set forth in this Division.

Section 2 amended

550 Clause 2(q) is repealed.

New section 46

551 Section 46 is repealed and the following substituted:

“Interest affecting public land

46(1) Subject to subsections (3) and (4) but otherwise notwithstanding any other provision of this Act, a transfer of title with respect to public land in the management area must be accompanied by the written consent of the authority.

(2) Subject to subsections (3) and (4) but otherwise notwithstanding any other provision of this Act or any other Act, an interest registered in the Land Titles Registry with respect to public land in the management area is invalid unless it is accompanied by the written consent of the authority.

(3) Subsections (1) and (2) do not apply with respect to:

(a) any transfer or interest evidencing the occupation or use of public land to which, by reason of section 3, this Act does not apply;

(b) leases of property for a term not exceeding 10 years;

(c) any transfer or interest affecting land intended for residential purposes and concerning which a plan of subdivision has been approved by the Controller of Surveys;

(d) any transfer of land to the government where the land transferred is dedicated to public use; or

(e) any transfer or interest that is exempted by bylaw from the application of subsections (1) and (2).

(4) The authority shall not withhold its consent under subsections (1) and (2) to any transaction involving public land unless it considers that the use to be made of the land as a result of the transaction will not be consistent or in accordance with the development plan”.

Section 51 amended

552 Subsection 51(2) is amended by striking out “filed in the land titles office” **and substituting** “the Controller of Surveys”.

DIVISION 59
The Wascana Centre Act

R.S.S. 1978, c.W-4 amended

553 *The Wascana Centre Act* is amended in the manner set forth in this Division.

Section 2 amended

554 Clause 2(j) is repealed.

Section 12 amended

555 Subsection 12(2) is repealed and the following substituted:

“(2) Where a resolution is passed pursuant to subsection (1) adding a parcel or a portion of a parcel to the area of Wascana Centre, the Authority shall apply to the Registrar of Titles to register an interest based on the resolution against the affected titles.

“(3) Where a resolution is passed pursuant to subsection (1) excluding an entire parcel from the area of Wascana Centre, the Authority shall apply to the Registrar of Titles to discharge any interest registered pursuant to subsection (2) or section 40”.

New section 38**556 Section 38 is repealed and the following substituted:****“Certain interests not valid without consent of Authority**

38(1) Notwithstanding any other provision of this Act, a transfer of title with respect to public land must be accompanied by the written consent of the Authority.

(2) Notwithstanding any other provision of this Act or any other Act, an interest registered in the Land Titles Registry with respect to public land is invalid unless it is accompanied by the written consent of the Authority”.

New section 40**557 Section 40 is repealed and the following substituted:****“Registration of interest**

40(1) The Authority shall register an interest in the Land Titles Registry against each title within Wascana Centre.

(2) Any application for registration pursuant to subsection (1) must be accompanied by a notice to third parties that the titles are subject to *The Wascana Centre Act*”.

Section 48 amended**558 Subsections 48(4) and (5) are repealed and the following substituted:**

“(4) The Authority shall exercise its power to expropriate land pursuant to subsection (1) or (2) by following the procedure set out in *The Expropriation Procedure Act*.

“(5) In the case of an expropriation pursuant to subsection (2), the Authority shall, on application to the Registrar of Titles for a transfer of title, submit any approvals required pursuant to that subsection”.

DIVISION 60

*The Water Corporation Act***S.S. 1983-84, c.W-4.1 amended**

559 *The Water Corporation Act* is amended in the manner set forth in this Division.

Section 19 amended

560 Subsection 19(1) is amended by striking out “*The Land Titles Act*” and substituting “*The Land Titles Act, 2000*”.

Section 20 repealed

561 Section 20 is repealed.

Section 59 amended

562(1) Subsection 59(1) is amended in the portion preceding clause (a) by striking out “forward to the registrar of land titles for the land registration district in which the lands affected are situated” and substituting “register an interest in the Land Titles Registry against the titles to the lands affected based on”.

(2) Subsections 59(2) and (3) are repealed and the following substituted:

“(2) An interest mentioned in subsection (1) is to be registered in the Land Titles Registry without fee.

“(3) Where the corporation considers it appropriate to do so, the corporation may apply to the Registrar of Titles to discharge the interest registered pursuant to subsection (1):

- (a) in whole, by submitting an application to discharge the interest; or
- (b) in part, by submitting an application to amend the interest”.

Section 60 amended

563(1) Subsection 60(1) is amended in the portion following clause (c) by striking out “forward, to the registrar of land titles for the land registration district in which the lands affected are situated,” and substituting “register an interest in the Land Titles Registry against the titles to the lands affected based on”.

(2) Subsection 60(2) is repealed and the following substituted:

“(2) An interest mentioned in subsection (1) is to be registered in the Land Titles Registry without fee”.

(3) Subsection 60(3) is amended:

(a) by striking out “a certificate in accordance with this section, the certificate” and substituting “an interest pursuant to this section, the certificate on which the registered interest is based”; and

(b) by adding “registered” before “owner” and “owners” wherever they appear.

(4) Subsection 60(4) is amended by striking out “A certificate registered pursuant to this section is deemed to create the easement described in” and substituting “An easement is deemed to be created pursuant to”.

(5) Subsection 60(6) is repealed and the following substituted:

“(6) Where the corporation considers it appropriate to do so, the corporation may apply to the Registrar of Titles to discharge the interest registered pursuant to this section:

- (a) in whole, by submitting an application to discharge the interest; or
- (b) in part, by submitting an application to amend the interest”.

Section 76 amended

564(1) Subsection 76(1) is amended by striking out “every Land Titles Office” and substituting “the Land Titles Registry and every”.

(2) Clause 76(2)(a) is amended by striking out “*The Land Titles Act*, to have a certificate of” and substituting “*The Land Titles Act, 2000*, to have”.

PART XXII
Repeal

R.S.S. 1978, c.L-5 repealed

565 *The Land Titles Act* is repealed.

PART XXIII
Coming into Force

Coming into force

566 This Act comes into force on proclamation.

