

Modernizing the Land Titles System in Yukon

A Discussion Paper

FALL, 2012

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Introduction

For over a hundred years, the Yukon's Land Titles Office has operated as the legal registry for interests in titled land in Yukon. The Land Titles Office has issued all titles and examined and registered all documents against those titles so that Yukoners can have accurate information about ownership of titled land and the interests that can be enforced against that land.

The need for a strong land titles system in Yukon has become particularly acute over the past several years as the pace and complexity of real property development in the territory has increased exponentially. Between 2003 and 2011, Yukon recorded eight consecutive years of GDP gains; in 2010 the territory's real GDP grew 3.7% to \$1.755 billion.

With economic growth comes growth in population – as of June 2011, Yukon's population was estimated at 35,175 – and increased population and employment mean that people need somewhere to live. Residential permit value in 2011 exceeded \$67 million, up almost 58% from the \$43 million recorded in 2010. Residential construction in Whitehorse accounted for almost \$51 million of that increase. The value of real estate transactions in Yukon for 2010-11 was \$228,843,600, a 24.1% increase over the value of transactions for 2009-10 at \$184,386,900.

A robust economy requires a reliable, client centred, land titles system but the present land titles system in Yukon cannot adequately support the volume and complexity of real estate transactions. In other Canadian land titles jurisdictions registration of documents usually takes place within one or two days. In Yukon it can take up to nine weeks, although the norm is usually two to four weeks.

The primary objective of the modernization of the Yukon land titles system is to ensure that the registry is **reliable**. To be reliable the land titles system must be:

1. **Accurate:** All of the information contained in the registry must be accurate.
2. **Timely:** A big part of accuracy is timeliness. The registry must be current to be accurate. The turnaround time in registering documents must not impede real estate transactions. It must also be fast enough to eliminate the users' need for additional (but less effective) forms of reliability such as title insurance.
3. **Accessible:** Users will consider the registry to be more reliable if they have easy access to the registered information at any time.

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4. **Public:** Users will see the registry as more reliable if anyone can see the registered information.
5. **Fraud Resistant:** The registry must be run in a manner that limits opportunities for fraudulent transactions by controlling how information is entered into the registry.
6. **Affordable:** The cost of running the registry must be proportional to the volume of transactions and the size of the jurisdiction. A system designed to handle millions of transactions a year may not be affordable and therefore not reliable for a jurisdiction that handles just thousands of transactions a year.
7. **Sustainable:** The operation of the registry should not rely on the expertise of a handful of individuals. Knowledgeable staff are critical to the operation of the registry, but the registry should be capable of functioning despite the absence or departure of individual staff members.
8. **Responsive:** The registry must be able to maintain fast turn-around times despite changing volumes in the real estate market. A cumbersome system can handle low volumes but a real estate boom can quickly overwhelm it. The system must have the ability to scale up and down depending on volume of transactions.
9. **Certain:** The legislation and assurance fund provide legal certainty and are essential aspects of a reliable system.
10. **Reputable:** The combination of all of these characteristics creates the reputation of a land title registry among key users such as lawyers, surveyors and realtors, who in turn shape the public's opinion.

While the Yukon's Land Titles Office has many of these attributes it does not have all of them and, in particular, its turnaround time is not acceptable.

The prerequisites for a strong, client centred, and reliable land titles system are:

- Legislation that supports modern best practices,
- An efficient and effective computer platform that facilitates online business transactions and information access, and
- Up to date business practices that are client centred and designed to make the best use of system and platform.

Yukon's land titles system presently has none of those features.

Our land titles related legislation is out dated. The *Land Titles Act* was enacted federally in 1898 and the *Condominium Act* was enacted by Yukon in 1977. Neither has seen any substantial amendments since being brought into force. Both Acts contain provisions that no longer have practical application and more importantly, both are silent on many features of modern real property law and practice. As well, neither Act enables effective business practices to the extent required.

The Land Information Management System (LIMS), the supporting computer platform currently used by the Land Titles Office and several other Government of Yukon departments, is cumbersome and complex, and not able to meet the demands of a modernized land titles system. For example, it offers no ability to the public to register or search for documents online. Further, the business processes developed by the Land Titles Office in a relatively quiet real estate environment to facilitate transactions under the current

legislation and computer platform are inadequate in a real estate boom creating further delays and uncertainty.

The scope of change must be transformational rather than incremental. We anticipate that a modernized Yukon land titles system will:

- see documents and plans registered within four days of their submission to the Land Titles Office;
- provide for online registration of documents and plans by registered professionals;
- allow for online access to documents and plans registered in the Land Titles Office;
- maintain the high standard of review presently provided by the Land Titles Office; and
- allow staff to focus on providing greater customer support rather than on routine secretarial tasks.

We will modernize the land titles system in Yukon in three phases.

Phase 1 (May – November 2012)

- A review and analysis of the entire scope of the Yukon's land titles systems – legislation, supporting computer platform, business processes, governance model and financial/fee structure. We will review and analyze the relationship between the land titles system with the survey system used in Yukon to determine the degree to which the Land Titles Office business procedures might be integrated with the Canada Lands Survey System – including thorough and ongoing stakeholder consultation. The review and analysis will result in detailed options for modernization of Yukon's land titles system which will take into account financial and human resource demands.

Phase 2 (January 2013 – March 2014)

- The development of those options with the anticipated result of an appropriate governance and financial model for the Land Titles Office, a new *Land Titles Act* and *Condominium Act*, a new or completely renewed supporting software platform, and new business processes. The business processes, driven by the intended business outcomes, will also determine the system choice and much of the legislation.

Phase 3 (April 2014 – December 2015)

- Implementation of the governance and financial model, the new legislation, supporting computer platform and business processes. Implementation will include working with our stakeholders to provide training and support.

The transformation of the land titles system requires the expertise of stakeholders and staff. This discussion paper is part of a comprehensive consultation that will see the department reaching out to those with an interest in land titles systems in general and in the Yukon Land Titles Office specifically. We need to know your interests, your experiences and your views in order to transform the land titles system in Yukon into one that facilitates the work of stakeholders and staff.

Project Description

Oversight

In order to carry out the project, we have established an internal steering committee consisting of senior officials from the Department of Justice, including the Registrar of Land Titles, policy analysts, legal and legislative counsel and representatives of the Information, Communication and Technology Branch of the Department of Highway and Public Works.

This committee, through a project manager, will organize and manage the work necessary to move to modernization. It will also address change management issues as they arise, supporting internal and external stakeholders during transition to a modernized land titles system.

Stakeholder Input

The Steering Committee will be assisted by a Stakeholder Advisory Committee comprised of representatives of the following organizations/communities:

- Law Society of Yukon
- Whitehorse Chamber of Commerce
- Association of Canada Lands Surveyors
- Yukon Real Estate Association
- City of Whitehorse
- Council of Yukon First Nations
- Kwanlin Dün First Nation
- Association of Yukon Communities
- Architects practicing in Yukon, and
- Natural Resources Canada, Surveyor General Branch.

The committee will operate in accordance with its terms of reference to give advice and guidance to the Government of Yukon throughout the Land Titles Modernization project.

Research/Legal and Technical Experts

The Department of Justice will engage the services of research, legal and technical experts to assist in compiling the information that will be necessary in order to make informed recommendations.

In order to carry out the project we have established an internal committee consisting of senior officials from the Government of Yukon and a Stakeholder Advisory Committee to give advice and guidance throughout the Land Titles Modernization project.

Consultation Process

The consultation process in the scoping phase of the modernization project will be targeted and will include:

- establishing a Modernization Project website where documents can be posted and information and suggestions sent;
- distributing this Discussion paper to all members of stakeholder groups and posting it on the website;
- direct consultation with stakeholder groups;
- reporting back to stakeholders on the results of consultation; and
- preparing a list of recommendations addressing potential legislation, business processes, computer platform, governance models and financial and fee structure.

First Nation Interests

Some Yukon First Nations have expressed an interest in registering specific parcels of Settlement Land in Yukon's Land Titles Office. Discussions about options around such registration will occur directly with Yukon First Nations parallel to the modernization project so that a potential exists for a registration process to be implemented prior to completion of land titles modernization.

Condominiums

Consultation on modernization of the *Condominium Act* will take place at the same time as consultation on land titles reform so as to allow stakeholders with perspectives on both to provide their input during a single process. Recommendations related to the modernization of the *Condominium Act* will be made at the same time as those in respect of land titles. Drafting of a new *Condominium Act*, however, will not be tied to development of a modern land titles system.

Timelines

The scoping phase of the modernization project began in April 2012 with the announcement of the project, release of the Inspector's report to the Government of Yukon, and press conference on April 26. Completion of all phases of the project is scheduled for December 2015.

Background and Context – The Land Titles System in Yukon

Torrens Model/Land Titles Office

The purpose of a land registry system is to provide certainty as to ownership and interests in land. Yukon’s land title system is a Torrens system. The Torrens system is generally considered the best method of providing certainty with regard to land ownership anywhere in the world where there is fee simple ownership.

There are other land registration systems including deed-based and insurance-based systems. However, all of Canada’s western provinces and northern territories, as well as other Commonwealth countries such as Australia and New Zealand, use the Torrens system for registering title to and interests in land. Some Canadian jurisdictions which have historic deed based systems are now converting to a Torrens system.

In a Torrens system, the government is the keeper of all land and title records. The Land Titles Office issues a Certificate of Title that guarantees indefeasible title and against which other interests in land, such as mortgages or leases, are registered.

The public is entitled to rely on the Certificate of Title, and any interests registered against it, as representing the correct state of title. A document establishing an interest in land that is not registered has no priority of enforcement as against any interest that is registered. Registered documents take priority in order of the time and date of registration.

One of the essential features of a land titles system is the indemnification by government of any person who suffers a loss because of an error on title. The Yukon Land Titles Assurance Fund is established under the *Land Titles Act* and financed through fees charged on transfers of land.

The Land Titles Office is a division of the Department of Justice and is under the authority of the Minister of Justice. The Registrar of Land Titles carries out the statutory responsibilities of that position and also supervises the land titles staff. There are currently eight employees several of whom have worked in the Land Titles Office for over a decade, some over two decades. The remaining staff have worked for at least five years in the Yukon Land Titles Office or in another jurisdiction.

The Registrar and staff of the Land Titles Office examine documents relating to ownership of or interest in land to ensure their compliance with

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the *Land Titles Act* or the *Condominium Act* and will register only those in compliance. Survey plans are also examined for compliance with the *Land Titles Act*. The Government of Yukon retains custody of all original titles and documents as well as the plans of survey forwarded to their office by the Office of the Regional Surveyor.

Land surveys are a federal responsibility in Yukon and performed by Canada Land Surveyors, licensed under the *Canada Land Surveys Act*. Plans of survey are approved by the Surveyor General of Canada within the Department of Natural Resources.

Legislation – the Land Titles Act

The legal framework of the Torrens system in Yukon and the activities of the Land Titles Office are mandated by the *Land Titles Act* which was enacted by the federal government in 1898 and which has been virtually untouched since then. While the foundation of the Act remains valid, it places many requirements on the land titles staff that are obsolete in the 21st century. Many of the business processes which now slow down the Land Titles Office were originally designed to address provisions of the *Land Titles Act*. The legislation is not reflective of some modern real property interests and does not allow for technological progress.

Legislation – the Condominium Act

A separate discussion paper has been prepared to address issues specific to condominium development and ownership including condominium governance and types of ownership. That paper will guide the consultation on the *Condominium Act*.

However, issues in the *Land Titles Act* that relate to registration of condominiums in the Land Titles Office will be addressed in this project to modernize the Land Titles Office.

Land Information Management System Computer Software (LIMS)

LIMS was developed in 1992 for the Government of Yukon to meet the objective of a single system recording information and interests relating to both titled and non-titled land. LIMS is not used in any other land titles office in Canada.

Other government departments or organizations using LIMS include:

- Yukon Department of Energy, Mines and Resources,
- Yukon Department of Community Services,
- Yukon Housing Corporation,
- Indian and Northern Affairs Canada Lands Disposition,
- City of Whitehorse, and
- Natural Resources Canada, Surveyor General Branch (SGB).

Although technology systems are generally adopted to automate and streamline business functions and make them more efficient, from the perspective of the Land Titles Office's staff and many of its stakeholders, LIMS has actually slowed the process down. It essentially replicates the paper-based system

mandated in the *Land Titles Act*. It has not eliminated any of the examination or dealing with the paper documents received, and has added work by requiring data to be entered from the paper files into the computer system.

LIMS does not carry forward information, automatically calculate fees or prepare billing. Data are not secure. Once entered, data can be edited and changed without any apparent audit trail. Because LIMS does not protect the integrity of data in the Land Registry, staff must double check the information entered as well as that set out on certificates of title printed from the system. This deficiency in LIMS is incompatible with the ability to provide certainty with regard to information registered in a land titles registry, and is a risk for government as well as property owners and purchasers.

As well, the public cannot access information on titles or interests registered against them online. This information can only be obtained in person at the Land Titles Office where staff provides the information manually or in some cases by fax.

Business Processes

The Land Titles Office business processes are the activities that it actually employs to carry out its business: the review and registration of documents and plans and the maintenance of a secure record of interests registered against certificates of title. They are a product of the legislation or of LIMS or reflect an attempt to work around the obstacles which the legislation or LIMS creates. While appropriate business processes allow goals to be achieved, the current business practices may actually contribute to further delay.

Once the specific goals of land titles modernization are identified, business processes to achieve those goals can be designed. A new *Land Titles Act* and supporting computer platform will facilitate business processes. The staff of the Land Titles Office will be essential participants in the design of the Office's business processes. As well, to the degree that the Land Titles Office's business process can work well with those of other stakeholders such as the Regional Surveyor's Branch, that congruity will be encouraged.

Over the last decade each of the western provinces has modernized its land titles system. Yukon has the opportunity to learn from other jurisdictions and plan its modernization in such a manner that it proceeds efficiently, effectively and as economically as possible.

Questions to Consider

We are posing questions about three important aspects of the land titles system

- A) System
- B) Business Processes
- C) Fee Structure/Governance

The questions are general and will hopefully elicit information which will help us in our analysis of the issues and our identification of options for development. For that reason, the questions do not focus on particular details but are more wide-ranging.

A) Land Registration System

The Torrens system, which Yukon presently uses, is the system to which other jurisdictions aspire. Yukon proposes to maintain the Torrens system.

At present, the Yukon Land Titles Office examines all documents which are submitted for registration and rejects those that do not meet the requirements of the Act.

Should the Land Titles Office continue to examine all documents thoroughly or should it:

- Only examine particular documents and plans, e.g. transfers and mortgages as is the case in Saskatchewan, and exclude liability in respect of other registered documents?
- Place a greater degree of liability in respect of documents and plans upon the party submitting? Those submitting documents could be required to swear to their accuracy.
- Should documents submitted containing errors lose all priority of registration or should there be a margin during which time the errors can be corrected before priority is lost?

B) Business Processes

The Land Titles Modernization Project will involve a review of the business processes used in other land titles jurisdictions. To a great extent, the business processes necessary to bring about a reduction in registration time to four days will determine many of the provisions of the legislation and the requirements of the supporting computer system. Staff will also be deeply involved in designing business processes in conjunction with a functional analyst who is able to ensure that the processes mesh with and are supported by the computer platform.

The Yukon Land Titles

Office is presently

a branch of the

Department of Justice.

As such, it receives an

annual budget allocation

which is administered

through the department.

Business processes are usually not of much interest to those outside the work place as long as the business goal, in this case the reduction in the time it takes to review and register documents, is being met. However, the business processes of the Land Titles Office may have an impact upon the business processes of professionals who prepare and submit documents to the Land Titles Office.

In particular, the degree to which the Land Titles Office uses technology to allow for electronic registration and searching will have an impact upon stakeholders.

- Do you think that the business processes of the Land Titles Office will have an impact upon your business processes?
- What do you think is the best way to make sure that the Land Titles Office's business processes and yours work together well?
- Should the ability to register documents online be limited? If so, to whom?
- What about online searches?
- Should different levels of information be available to different levels of users?
- Should charges be billed on a per-use basis, by credit card or some other automatic mechanism, or by regular cumulative billings to registered accounts?
- What do you think is the appropriate role for the Land Titles Office in providing training to stakeholders?

C) Fee Structure/Governance

Through its Land Titles Office, government provides a public service which directly supports private land interests. The governance model is a reflection of a variety of sometimes competing interests which include funding stability, the ability to cover operational and capital costs in order to maintain a service that meets customers' interests and the ability to respond to changes in technology and in land transactions.

The Yukon Land Titles Office is presently a branch of the Department of Justice. As such, it receives an annual budget allocation which is administered through the department. The revenue raised by the Land Titles Office goes to general revenue and does not have an impact upon the branch's budget. Land Titles Office staff are government employees and the responsibility for the branch ultimately resides with the Minister of Justice.

Some Canadian jurisdictions use other governance models for delivery of land titles services. In British Columbia, the Land Titles and Survey Authority is a self-funded independent authority that pays a dividend back to the provincial government. It is responsible for its own debts. It employs staff directly, although those staff remain part of the provincial employees union. It is bound by the provincial government's legislation but not by its policies. The makeup of the Authority's board is set out in the governing legislation but the actual members are chosen by the stakeholders who have a seat on the board, such as The Law Society of British Columbia and the Association of British Columbia Lands Surveyors. The employees are responsible to the board which must act in accordance with the legislation. Although government made an original investment in the Land Titles and Survey Authority that was paid back, upgrades to the system and other capital purchases are now financed solely by the authority itself.

In Saskatchewan, land titles and a variety of other registry services are provided by a crown corporation. In that case, staff are still government employees and while the ultimate reporting relationship is back to the responsible minister, the actual management of the corporation is under the direction of a board appointed by government. The crown corporation is self-funding; however government is responsible for its debts.

While the appropriate governance model for a jurisdiction's land titles office is a function of several factors - many of which are unrelated to business processes and to the level of service provided - the scope of governance models that can be considered is dependant to the greatest extent upon revenue. An independent agency must have a sufficiently high volume of business that will keep the office self-funded through revenue from fees levied.

In those jurisdictions that have undergone a modernization within the last decade, fees have risen to pay for the modernization. As an example, after modernization, Saskatchewan moved to charging a \$10 flat fee for title searches performed online by customers, generating \$60 million for 6 million searches. Yukon's fees are extremely low. For example, the fee for a certified copy of a Certificate of Title is \$3 and a photocopy of a Certificate of Title is \$1 per page. A photocopy of an instrument is \$2 to pull it, and \$1 per page. A writ search on one name on title is \$1.50 and for additional names on title, \$.75.

In Alberta, British Columbia and Saskatchewan, there appear to have been few or no complaints about the rise in Land Titles Office fees. In all cases there has been very little, if any, public concern about the fees as they are still small for the value provided. In B.C. and Saskatchewan, users were willing to pay higher fees to get better business processes and services.

In Saskatchewan's case, it found that the authority was returning such large dividends to government, that it eventually reduced the fee for searches to \$7.

- What role, if any, do you think stakeholders should have in the Land Titles Office governance structure?
- What is the balance between flexibility and certainty that you think the Land Titles Office needs to react to future unknown changes such as fluctuating need for staff, residential real property cycles, changes in land development models such as condominium types, leased land developments, etc.?
- Given that Yukon's fees are among the lowest in the country, would you accept increased fees in return for a more efficient and effective Land Titles Office?
- Should Yukon have a self-funding model for land titles services?
- What do you think is a reasonable range of fees for a service such as an online search?
Online registration?

Other Questions or Comments

We would be pleased to consider your comments, suggestions and concerns.

Comments or questions can be made:

By email - landtitlesmodernization@gov.yk.ca

Through our website - http://www.justice.gov.yk.ca/land_titles_modernization.html/

Or by contacting:

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APPENDIX A

COMPARISON OF MODELS

Comparison of Models

	B.C. A statutory corporation	Alberta A division within government	Saskatchewan A crown corporation	Nunavut A division within government
Model	<p>Land Title and Survey Authority (LTSA):</p> <p>Corporation established through legislation.</p> <p>LTSA has a Land Title Division and Surveyor General Division, led by statutory decision makers: the Director of Land Titles, and the Registrars of Land Titles and Surveyor General, respectively.</p> <p>The LTSA has an Operating Agreement with the province which sets out terms and performance standards. The Province retains all responsibility for legislation and regulations which govern land title and survey systems.</p> <p>The Operating Agreement requires the corporation to operate as a not for profit authority, and any profits must add to or improve services, fund reserves or capital expenditures, repay debt, or reduce fees.</p>	<p>Land Titles Office:</p> <p>Part of the Registry Services in Service Alberta.</p> <p>Land Titles Act authorized LTO to create and cancel certificates of title upon registration of certain legal documents.</p> <p>Has a Document Examination Section and a Surveys Section.</p> <p>The Assistant Deputy Minister is the official Registrar for the Land Titles Office. Daily operations are managed by the Executive Director and Directors.</p> <p>Responsible to the Minister for Service Alberta.</p>	<p>Information Services Corporation (ISC):</p> <p>ISC was formed as a crown corporation in 2000; formerly administered by Department of Justice.</p> <p>Administers the Land Registry, a linked Writ Registry, Land Survey Registry and personal property, vital stats, corporate and business registries, geomatics services, and the provincial GIS Cadastral Base Map for Saskatchewan.</p> <p>Responsible to the Minister named by Executive Council.</p>	<p>Land Titles Office:</p> <p>Part of the Legal Registries Division of the Department of Justice.</p> <p>The <i>Land Titles Act</i> establishes the system of registration of title. The government has custody of all original documents, titles and plans of survey and is responsible for the validity and security of all registered land title information.</p> <p>All registered documents, plans and titles maintained in the Land Titles Office are available for inspection by the public.</p>
Title	Title is indefeasible.	Title is indefeasible.	Title is indefeasible.	Title is indefeasible.
Torrens	<p>Torrens system.</p> <p>Under legislative authority of the <i>Land Titles Act</i>, <i>Land Title and Survey Authority Act</i>, <i>Land Act</i>, and several other Acts.</p> <p>LTSA examines every instrument that affects title for registrability and enforceability.v</p>	<p>Torrens system since 1887.</p> <p>Under legislative authority of the <i>Land Titles Act</i>.</p> <p>LTO keeps documents and has legal responsibility for validity and security of registered title information.</p> <p>Staff examine all documents. Some validation occurs in ALTA as the information is entered.</p>	<p>Torrens system.</p> <p>Under legislative authority of <i>The Land Titles Act</i>, 2000 and the Land Titles Regulations, 2001.</p> <p>ISC's Land Registry is the public registry of ownership of land and interests in land.</p> <p>Staff examine transfer and mortgage documents for accuracy.</p>	<p>Torrens system.</p> <p>Under legislative authority of the <i>Land Titles Act</i>.</p> <p>All legal documents and plans are reviewed by staff to ensure that they comply with the <i>Land Titles Act</i>, other legislation, case law, policies and procedures.</p>

Comparison of Models (cont.)

<p>Assurance Fund</p>	<p>Assurance Fund is available to compensate owners deprived of title because of an error in the land title system or forgery caused by identity theft.</p> <p>Fund is sourced from registration fees and provides greater than 95% confidence that the Fund will have sufficient resources to pay all claims arising from events prior to that date.</p> <p>The Assurance Fund paid out \$2,848 In 2010/11.</p>	<p>Government guarantees accuracy of the title. Any loss due to an error on title may be compensated from the Assurance Fund.</p>	<p>ISC is responsible to pay liability claims.</p> <p>Before ISC, liability claims were paid out of General Revenue Fund.</p> <p>The legislation does not require that an actual “fund” be maintained.</p>	<p>Government guarantees accuracy of title. An assurance fund is established under the <i>Land Titles Act</i> to compensate those who are deprived of their rightful interest in land as a result of the operation of the Act, or errors by the officials administering the Act.</p>
<p>Registration</p>	<p>LTSA requests owners to consult a legal professional to register electronically.</p> <p>Applications to register can be in person or via e mail. The cashier will stamp documents and assign a pending application number. An Examiner of Title will review the application for compliance. If legal requirements are met, it is registered effective on the date and time originally stamped.</p> <p>If the application does not comply, a Notice Declining to Register is mailed, describing the defect and suggestions of how to comply. There are time limits for resubmission.</p>	<p>Registration documents go to the Document Examination Section; survey plans go to Surveys Section.</p> <p>Staff manually examine for compliance with legislation, case law, policies & procedures. Some validation occurs in ALTA as the information is entered.</p> <p>Documents that are acceptable are assigned a registration number and the database is updated. A registration notice is sent to confirm the registration. The original documents are scanned and kept by the government.</p> <p>If deficiencies are found, a rejection notice setting out the deficiencies is generated and returned to the customer with all documents submitted.</p>	<p>Mandatory, standard forms all available to download from website, and barcoded.</p> <p>2.5 day turn-around time. 8 Customer Service Centres.</p> <p>Can search online by Parcel Number, Title Number, Land Description and Owner Name.</p> <p>Saskatchewan has moved to a skeletal outline of registry system in the Act, with most details developed in regulations.</p> <p>All changes of ownership are by transfer, i.e. the surrender of existing title and creation of new title. Including transfer to personal representative on death.</p>	<p>A process of modernization to enable electronic registration in all Registries is progressing in phases. A Land Titles Submissions Guide for how to submit documents to Legal Registries is underway but not complete.</p> <p>As of September 1, 2008, requests for searches, filings and registrations could be submitted in Adobe® PDF (Portable Document Format) via e-mail. They must comply with specifications detailed on the Land Titles website. Land Titles forms are available in PDF on the website. All legal documents and plans are reviewed by staff.</p>
<p>Payment</p>	<p>Through a BC OnLine account. Application form can be printed, signed, and sent to BC OnLine. Business, user and banking information required.</p> <p>Credit card payment through Corporate Online, using Secure Sockets Layer (SSL) protocol.</p>	<p>Fees may be paid by cash, credit card, cheque or by charge to an established customer account.</p> <p>Account log in is by credit card or Land Titles charge account.</p> <p>Guests log in to system by credit card.</p>	<p>Account registration process for Land Titles/Survey Plans and Personal Property services.</p> <p>Users can open a permanent account, or a temporary account for one-time use, and add money to the account to “pay as you go.”</p>	<p>Fees may be paid by cash or by credit card. A pre-authorization form for credit card payment is available on the website.</p>

Governance

	B.C. A statutory corporation	Alberta A division within government	Saskatchewan A crown corporation	Nunavut A division within government
Governance	<p>LTSA obligations and performance targets are in provincial legislation and an Operating Agreement with the Province.</p> <p>An eleven-member Board of Directors oversees the LTSA and is accountable to the users of the systems.</p> <p>The President and CEO report to the Board of Directors.</p> <p>The LTSA Board appoints directors from nominees of the stakeholders.</p> <p>The eight-member LTSA Executive is based in Victoria, Vancouver and New Westminster.</p> <p>The LTSA's Stakeholder Advisory Committee brings recommendations to the Board of Directors.</p> <p>Accountability and transparency through:</p> <ul style="list-style-type: none"> • five-year provincial performance reviews; • statutory procedures for Board members; • legislative safeguards; • Stakeholder Advisory Committee advises on operational questions; • public right of access to business plans, policies; • public release of annual report and quarterly financial statements; • annual public meeting to raise questions; • public complaints procedure; • adherence to privacy legislation. 	<p>Land Titles is a division of Service Alberta, part of its registries services.</p> <p>The Registrar, Deputy Registrar, Assistant Deputy Registrar, other officials are under the control of the Minister responsible for the <i>Land Titles Act</i>.</p> <p>The Ministry of Service Alberta posts its annual report on its website. The report contains the Ministers' accountability statements, audited financial statements and <i>The Measuring Up</i> report, and a comparison of actual performance results to desired results set out in the Ministry business plan.</p> <p>Performance measures Include measures such as percentage of invoices paid electronically, percentage of clients satisfied with services received (survey), comparison of Alberta's fees to other jurisdictions, convenient and efficient services index based on courteousness, knowledge, effort, wait time and ease of access, and analysis of results.</p> <p>Other financial information as required by the <i>Financial Administration Act and Government Accountability Act</i> is included as separate reports or as a part of the financial statements.</p> <p>Service Alberta works with the Real Estate Council of Alberta for the land titles issues, and 3 other regulatory organizations for specific sectors.</p>	<p>ISC Board of Directors made up of stakeholders.</p> <p>ISC Executive consists of a President & CEO, a Vice-President Operations, a Vice-President Marketing and Business Development a Vice-President Corporate Affairs, a General Counsel, and a Chief Financial Officer.</p> <p>4 Board committees: Audit and Finance, Human Resources, Governance and Ad Hoc Business Development.</p> <p>Crown corporation does not pay taxes.</p> <p>Annual reports and financial reports are on website.</p>	<p>Land Titles is part of the Legal Registries Division of Justice.</p> <p>The Registrar, deputies and other staff are under the control of the Minister of Justice.</p>

Financing and Fee System

	B.C. A statutory corporation	Alberta A division within government	Saskatchewan A crown corporation	Nunavut A division within government
Funding and Fees	<p>All LTSA operations are funded from revenues earned from land title and survey services, and in compliance with requirements in the Operating Agreement with the BC Government.</p> <p>Under the terms of the Agreement, about two-thirds of the revenue from most services is remitted to the Ministry of Finance.</p> <p>LTSA net earnings are re-invested to achieve land title and survey public policy objectives.</p> <p>All of the Property Transfer Tax fees collected by the LTSA's Land Title Offices are remitted back to the Province.</p> <p>Schedule 2 under the Act is fees. Cabinet or the Board may set fee by regulation or by-law (respectively) for matters not in Schedule 2.</p> <p>The Board establishes how to pay for electronic filing.</p> <p>2011 profit was \$4.3 mil; 2010 profit was \$6.7 mil due to fee increase.</p>	<p>Regulation 120/2000 is the Tariff of Fees.</p> <p>90% of fee is for LTO performance; 10% is Assurance Fund.</p> <p>Land titles fees revenue in 2011 was \$52,677.</p> <p>Land titles fees revenue in 2010 was \$55,607.</p> <p>Land titles actual expenses in 2010-11 were \$12,362 plus salary and benefit expenses (not broken out).</p>	<p>ISC sets tariff as of Jan 12, 2009.</p> <p>ISC's net income:</p> <p>2011: \$17.2 million.</p> <p>2010: \$15.6 million.</p> <p>Dividend paid to government:</p> <p>2011: \$15.5 million.</p> <p>2010: \$14.0 million.</p> <p>ISC devotes 1.5 % of previous year's net income to its Community Investment Strategy for Youth, Diversity, Community and Saskatchewan Growth.</p> <p>ISC's five-year financial plan includes a 90% dividend annually to government (\$12.5 million in 2012).</p>	<p>The Land Titles Tariff of Fees Regulation establishes the schedule of fees.</p> <p>10% of the fees are transferred into the Assurance Fund.</p> <p>The Assurance fund also contains 100% of assurance funds collected by the Northwest Territories for land transferred to Nunavut on its creation.</p>

Supporting Computer Platform and on line Options

	B.C. A statutory corporation	Alberta A division within government	Saskatchewan A crown corporation	Nunavut A division within government
Software	<p>B.C. introduced electronic submissions to the LTO in early 2008 through the Electronic Filing System (EFS). Virtually all land title transactions are now electronically enabled.</p> <p>Title Direct service offers external access to title, common property, pending application and parcel information, and electronic filing of applications to the LTO. Qualified external companies access it through an account with BC OnLine.</p>	<p>The LTO has the Alberta Land Titles Automation (ALTA system).</p> <p>The system uses a unique title number, unique LAND IDENTIFICATION NUMERIC CODE (LINC number).</p>	<p>The Land Titles Automated Network Development (LAND) project began to automate the Land Titles and Survey Plan Processing systems in 1995.</p> <p>The Land Titles system is integrated with Geographic Information System (GIS) data.</p>	<p>PDF documents as attachment to email are accepted if they conform to website instructions.</p>
Automation	<p>In 2010, the Land Title Act was amended to add s. 168.111, in force Jun 3/10, to allow the Director of Land Titles to require electronic filings.</p> <p>In consultation with stakeholder groups on implementation, required electronic filing is being introduced in phases, starting March 11, 2011.</p> <p>Phase II is in effect May 7, 2012 and includes most remaining land title applications.</p>	<p>Automated in 1988, with the ALTA system. All live paper titles were converted to electronic.</p> <p>Current titles and titles that were electronically cancelled are kept in an electronic register. It holds the legal, guaranteed title at all times.</p> <p>All registrations and most searches are now electronic.</p> <p>1.7 mil live certificates and 2.4 mil cancelled certificates are in the ALTA database.</p> <p>In 1999, the surveys registration system became fully electronic (over 250,000 plans).</p>	<p>In 2005 online submission was launched. Customers can manage their own land transactions electronically.</p> <p>Over 10 million documents and 50 million pages of records were converted to electronic forms.</p> <p>In 2007, customers could access land-related records online through Map Search.</p> <p>Maps and photos are online.</p> <p>Access to the ISC website is on the basis that registered clients agree to terms and conditions, including ISC copyright, limitation of ISC liability, privacy policy, etc.</p>	<p>Phase 2 of the modernization (originally scheduled for March 2009) will introduce online registration, now expected late 2012. POLAR (PARcelized Online Land Registration) will allow registered users to submit documents via the Internet. It will require only Explorer 6.0 or above.</p>
Forms	<p>Website has electronic form templates as well as forms for manual filing.</p> <p>Effective June 30, 2012, only current versions of published land title forms will be acceptable, and all previous versions will be retired. Once retired, older versions of forms will be accepted only if the true copy was executed before June 30, 2012.</p>	<p>Electronic forms are on the website, linked to the most common associated affidavits that may be. Each form also contains a link to the applicable section(s) of the Land Titles Manual to assist users. Forms can be filled in online, saved, and printed. Documents must be accompanied by an online Document Registration Request (DRR) form.</p>	<p>Mandatory, standard forms are available to download from website, and barcoded.</p>	<p>PDF forms are available on the website but cannot be completed or submitted online.</p>

Other Issues Compared

	B.C. A statutory corporation	Alberta A division within government	Saskatchewan A crown corporation	Nunavut A division within government
Offices	3 Land Titles Offices.	LTOs at Edmonton and Calgary.	8 Customer Service Centres: North Battleford, Humboldt, Moose Jaw, Prince Albert, Regina, Saskatoon, Swift Current, Yorkton, Regina.	There is one office in Iqaluit.
Electronic Signatures	Electronic signatures are issued by Juricert, a service of the Law Society.	In 2003, the <i>Electronic Transactions Act</i> came into effect providing that electronic signatures and records have the same legal status as paper-based and written information.	Standard authorization form to be executed and witnessed.	All supporting documentation must be Adobe® PDF files (Portable Document Format) and clearly show all signatures where they are required. They must contain a statement that the person submitting the documentation is the solicitor, attorney, or agent authorized by the party or parties to submit on their behalf or the party himself or herself. They must contain a statement by the person submitting that all signatures on the submitted PDF documents are original signatures on the scanned documents.
Searches	Lawyer, notary or land surveyor, registry agents, and BC Government agents (Service BC) have electronic access to LTSA documents through BC OnLine or GATOR. These online systems require fee-based user accounts and passwords. Alternatively, anyone may visit an LTSA office in person and access records for a fee.	A name search will search land titles by owner's name and documents by names listed on the interests. These search requests are limited to individuals who meet certain criteria legislated in the Land Titles Name Search Regulations. Survey plans, survey control marker data, township plans, etc. is online via web-enabled Spatial Information System (SPIN). It allows parameter-based searches, graphic, map-based searches and other land database searches seven days a week 365 days a year from the web. Most records are public records and may be searched by anyone.	Comprehensive online database for searching a parcel of land gives: owner, interests registered, where it is, what it looks like, if it is surface or mineral, any outstanding writ registered, and when it was first granted from the Crown Online searches only by account-holders. Options are: Quick Search: for currently active land titles by Parcel Number, Title Number, Land Description and Owner Name. Advanced Search provides more 'search by' options. Grant Search can find an image of an original Land Grant. Map Search uses intuitive map-based search engine.	The Land Titles Office accepts submission of search requests and documentation by email to a dedicated email address on the website. The request must include contact information, particulars of the search requested, and authorization to charge a credit card. This can be by way of an authorization already on file with Legal Registries, or a contact telephone number for staff to obtain required card information.

Other Issues Compared (cont.)

<p>Historical Searches</p>	<p>Land Title Office staff can not undertake historical research due to high volume; they must be directed to a registry agent or historian.</p> <p>The LTSA is cataloguing records and assessing their condition. An independent, professional records archivist was retained to conduct the historic records inventory and recommend long-term management of the records. Efforts to protect the records are underway while allowing access to critical information.</p> <p>In 2010, a state-of-the-art, climate controlled records vault became available.</p>	<p>Anyone can request a historical search from either the Land Titles Office. Some historical titles are available on the ALTA system while some are scanned or microfiche.</p> <p>Historical certified copies of titles can be ordered through the Registry Agent Network (a network of community-based service centres for government registries).</p>	<p>Advanced search tool is capable of searching inactive titles from the past. Grant Search - Find an image of an original Land Grant. The oldest land grant in Saskatchewan's records dates back to 1884. Full-colour replica prints of original land grants can be ordered.</p>	<p>No special provisions.</p>
<p>Training</p>	<p>User's Guide, and no charge training through BC <i>Online Helpdesk</i>, accepted for continuing education professional development credit by Law Society and Society of Notaries Public.</p>	<p>Alberta Registries is in the process of replacing ALTA, with the SPIN 2 web distribution application. The SPIN 2 Product Catalogue and User Manual, containing information about products, policies and services is available on the SPIN 2 News website.</p> <p>Users can subscribe to SPIN 2 News, to receive notifications of changes.</p> <p>Checklists and consumer tip sheets online.</p>	<p>ISC offers a calendar of free instructor-lead training in Regina and Saskatoon: beginner transfers, searches using OLS, and online courses.</p>	<p>POLAR will not require any training because the system offers an intuitive interface and design. Solicitors in good standing with the Law Society of Nunavut, and selected partners, will require a User ID and password to access POLAR. Solicitors are requested to instruct the Law Society of Nunavut to forward a Certificate of Good Standing to the Land Titles Office.</p>