



*Information  
Services  
Corporation*

INSPECTOR'S REPORT FOR  
THE GOVERNMENT OF  
YUKON

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**Pursuant to the *Land Titles Act*,  
s.12**

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## EXECUTIVE SUMMARY

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The Government of Yukon contracted an inspector from Saskatchewan to conduct an independent review of the Yukon Land Titles Office (LTO) and its current business procedures in order to identify areas for improvement and make recommendations to the Minister of Justice.

The review identified several factors that have negatively affected the Yukon's land titles regime. The Yukon's strong economy and recent population growth have led to an increase in land titles volumes, but there has not been a corresponding increase in staffing. As a result, LTO customers have been experiencing decreased service levels and delays in registration.

Outdated technology and legislation, a lack of procedural documentation, and inefficient processes have also had an impact on the LTO's ability to provide timely, cost-effective services. Customers feel that they receive little cooperation from the office, and that customer service is lacking. Relations between the LTO and its customers are likely to deteriorate further if these factors are not addressed.

The Government of Yukon can improve the performance of the LTO by investing in updated technology, modernizing the applicable legislation and committing to the development of a customer service culture. Taking these steps will allow the LTO to operate more successfully, and improve the situation for all stakeholders.

## INTRODUCTION

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This is the report of the Inspector of Land Titles, appointed pursuant to Section 12 of the Yukon *Land Titles Act*. The Government of Yukon contracted Information Services Corporation of Saskatchewan (ISC), the Crown Corporation responsible for the administration of the land titles and survey registries of Saskatchewan, to provide an inspector to conduct an independent review of the Yukon Land Titles Office and its current business procedures.

Lora Bansley, an employee of ISC and a lawyer who was called to the Saskatchewan bar in 1997, was appointed as the inspector. Her duties were to undertake the operational review and to produce a report setting out:

- the issues identified in the Land Titles Office's business procedures;
- recommendations for immediate improvements to business procedures; and
- recommendations for addressing the issues identified that will require amendments to legislation or upgrading of supporting systems.

Over a period of four days, the inspector reviewed the Yukon Land Titles Office's business processes, inspected records, examined the Land Information Management System (LIMS), spoke with the land titles staff and consulted with government officials and stakeholders of the land titles regime.

The inspector had the opportunity to meet with the following government officials and stakeholders:

- The Minister of Justice
- The Deputy Minister of Justice
- The Assistant Deputy Minister of Courts and Regulatory Services
- The Legal Services Unit, Department of Justice
- The Policy Branch, Department of Justice
- The Information & Communications Technology (ICT) Branch, Highways & Public Works
- The Yukon Surveyor General Branch, Natural Resources Canada
- The Whitehorse Chamber of Commerce
- Lawyers
- The Association of Canada Land Surveyors
- The Yukon Real Estate Association
- Appraisers
- The former Legal Counsel (retired), Department of Justice

The inspector acquired a general overview of the processes in the Land Titles Office, but did not have sufficient time to observe all types of transactions being processed or see all aspects of the processes performed. As a result, the inspector is not able to give specific recommendations on

the processes or comment on the examination of all documents registered by the office. The inspector was not able to review the billing and accounting processes of the office. For a more in-depth review of the current business processes, the inspector would need to return to the Yukon and spend more time in the Land Titles Office (LTO).

The LTO operates under the *Land Titles Act* (Yukon), and is based on the Torrens system of land registration. The *Land Titles Act* establishes the system of registration of title to privately owned lands, as well as providing for the officials to operate the system, and the records that are to be maintained by them. Under this system, 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 titles information. The LTO also operates under the *Condominium Act*, which is a separate piece of legislation that governs the requirements for condominiums in the Yukon.

Surveys in the Yukon are under the jurisdiction of the federal government, and are performed by Canada land surveyors under the *Canada Land Surveys Act*. Plans of survey are approved by the Surveyor General of Canada within the Department of Natural Resources. The Surveyor General has the legal responsibility, subject to the direction of the Minister of Natural Resources, to manage all surveys on Canada Lands, and to maintain all the original plans, journals, field notes and other papers connected with those surveys. Canada Lands consist, generally, of Indian Reserves, National Parks, the offshore and land in Yukon, Northwest and Nunavut Territories.

## LAND TITLES OFFICE

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The Land Titles Office is a division of the Department of Justice and is supervised by the Assistant Deputy Minister (ADM) of Court and Regulatory Services. At the time of the Inspectors visit there were nine employees working in the LTO, there are now eight employees. This total includes four permanent staff, one term employees and three auxiliary on-call employees. The office is managed by the Registrar of Land Titles.

Three of the employees are long-term employees with between 10 and 20 years' experience. The remaining staff members have worked in land titles between two and five years.

The Yukon's economy has been strong. The Yukon's mining sector experienced a high level of activity throughout 2011. Interest in Yukon resources is being driven by strong mineral prices, most notably the price of gold.

The Yukon is also experiencing population growth. In 2010, which was the seventh straight year of population growth recorded in the Yukon, the population grew by 2.1 percent to 34,847. This represents the highest annual population in recent history.

Construction has also seen increases in the last couple years. Building permits were up over 58 percent in 2011, primarily from growth in residential and institutional building permits.

Given the growing population and economy, it is no surprise that land titles volumes have been increasing. The LTO registered a total of 6,801 documents in 2009–2010: 252 condominium titles were registered, 141 survey plans were filed, and a total of 7,200 certificates of search were processed. In 2010–2011, a total of 7,184 documents were registered, 317 condominium titles were registered, 198 survey plans were filed, and 7,235 certificates of search were processed.

The LTO has been handling higher volumes with no increase in staffing. The Yukon has experienced an increase in property values which has likely caused the growth in condominium developments. This has added pressure in the office since condominium files are inherently more complex and the condominium legislation is outdated.

If the current trends continue, volumes will continue to rise and the situation with the current land titles registry will further decline.

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## LEGISLATION

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The *Land Titles Act* is one of the oldest pieces of legislation in the Yukon. It is over 100 years old, and was adopted from the former federal legislation when land titles were devolved from the federal government to the responsibility of the Territory in the early 1990's.

In modern legislation, an act generally spells out the substantive statements of law or the "what," and the regulations provide the process and policies or the "how." There are very few regulations under the *Land Titles Act*, and therefore very little guidance (for staff and customers) when it comes to process and policies.

This legislation has been outdated for a long time, but has not appeared to cause any problems until recently. It seems to have become more of a pressing issue as relations between the Land Titles Office and its customers have deteriorated. Customers advise that a spirit of cooperation and pragmatism previously existed in the LTO, and legislative gaps did not present an issue. The LTO acknowledge they provided greater support in the past but due to the increased volumes the focus has been on minimizing the delays.

There is no denying that the legislation should be updated when the Yukon modernizes its land titles regime. However, well-documented policies and procedures, and an attitude of cooperation would undoubtedly be more effective in addressing current issues than updated legislation.

The *Condominium Act*, while not as old as the *Land Titles Act*, is also an older piece of legislation that is not reflective of the current practices and needs for condominium development. The need for this legislation to be updated appears to be a pressing concern for both customers and the Land Titles Office staff. The act does not adequately deal with bare land condos, and does not provide for phased condominium developments. This leads to uncertainty and complexity for customers and the LTO staff.

## LAND INFORMATION MANAGEMENT SYSTEM (LIMS)

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LIMS was developed in 1992 for the Yukon government to provide centralized technology for land management in the Yukon, and was implemented in 1998. Multiple government departments use or have access to LIMS for purposes other than land registration. These include:

- Department of Energy, Mines and Resources
- Community Services
- Yukon Housing Corp
- INAC Lands Disposition
- City of Whitehorse
- Canada Centre of Cadastral Management
- Mining Records Office

Generally, technology is designed to automate and streamline business functions and make them more efficient. The introduction of LIMS has slowed the process down for land titles staff. The only step it has removed from the previous process is the typing of Certificate of Titles. It has not eliminated any of the examination or dealing with the paper documents received, and has added the additional work of data entering the information from the paper into the system.

There was very little training when the system was implemented and very little system support from the vendor. It appears that there was very little process redesign with the implementation of the LIMS system.

The system is not user friendly or intuitive. It does not appear to have robust reporting capabilities or an accounting function (fees are calculated using an Excel spreadsheet, and billing is performed separately from LIMS). System performance is an issue. When a title number is entered, LIMS response time when bringing up the title information is slow. There is no ability to carry forward information; data (e.g., names and addresses) must be entered multiple times.

LIMS does not have security functionality. There are no field-level locks. Once entered, data can be edited and changed without any apparent audit trail. The Registrar was able to change a field in LIMS used by another Yukon government department, causing her to speculate that the same could be done by other users of LIMS, which could affect the integrity of the data in the Land Registry. As a result, the staff double check what is entered in the system and double check the certificates printed from the system.

Reviewing the title printed from LIMS should eliminate the need to review the data entered in LIMS, but due to the lack of trust in the security and integrity of the system, time is spent validating information between the database and the paper title. There is concern that the system has dropped previous interests or that someone has changed the data since it was originally entered. This has led to unnecessary duplication of work.

It is difficult to transfer data from LIMS. The Department of Community Services requires change of ownership records and changes that affect the tax roll on a monthly basis. There is no ability to electronically transfer this data from LIMS. Currently, a report is printed every month and provided to Community Services. They are then required to manually enter it into their system, which is both time consuming and error prone.

In terms of effort for land titles staff and turnaround times for customers, the Land Titles Office would be further ahead if it still used the previous paper-based method without LIMS. The only solution to improve turnaround times with the processes and utilization of LIMS as it exists today is to add more resources to the land titles staff.

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## LAND TITLES OFFICE TRANSACTION EXAMINATION PROCESS

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### HIGH-LEVEL PROCESS

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The Land Titles Office register approximately 30 different types of legal documents including transfer of lands, mortgages, caveats, transmission applications, court orders, builders liens, certificate of pending litigation, easements, notifications, consolidations, and enlargements to name a few.

1. Documents received with a registration request are entered into LIMS and assigned "Pending" status. This process is the electronic equivalent to entering transactions in a day book. (The office also maintains a paper day book which consists of the top white page of the "Document Registration Request" submitted by Law Firms and individuals.) The worker pulls the file for the title as well as the duplicate certificates of title before entering the information in LIMS. This work is normally performed by staff in the receptionist/administrative assistant positions.

**Note:** This step occurs the same day that the documents are received. If documents are dropped off five minutes prior to the office closing, staff continue working until all documents received that day are entered into LIMS with a status of "Pending."

2. The request is then passed on for a complete review for compliance and marked "Accepted" or "Rejected" in LIMS and the fees for the request are calculated. If the request is a transfer, enlargement, consolidation, transmission application, surviving joint tenant or a mortgage, then a Writ search is performed in LIMS and manually verified against the paper record of Writs. The submitting party provides a memorandum with all registration requests. If the transaction is rejected, the rejection reasons are hand written in and the memo is then faxed to the customer. The file is set aside for the customer to correct the error. For



individuals or Law Firms outside the territory, the Land Titles Office phones the client and mails a formal letter stating the reason(s) for rejection.

If the documents are acceptable, they are passed on for the assignment of a number for registration. This job is normally performed by the most junior Deputy Registrar, who will consult with the Senior Deputy Registrar regarding the documents' compliance if not certain.

3. The person performing the assignment of numbers for registration reviews the documents and double checks the fee calculation. If the request is a transfer, enlargement, consolidation, transmission application, surviving joint tenant or a mortgage, then a Writ search is performed in LIMS. He or she assigns the instruments a registration number, stamps the document, hand writes the date, time and registration number on the document, and stamps the old Certificate of Title. The original Certificate of Title and duplicate are stamped "cancelled" or "updated" as required.

LIMS status of the registration is then changed from "Accepted" to "Assigned," and the system issues the document the next registration number. The memorandum provided by the customer is updated with the number assigned by hand, faxed to the customer and marked "faxed" with a stamp. The documents proceed to the next worker to be data entered or "typed" into LIMS.

**Note:** The number assigned is manually tracked and written and then checked against the number the system issues. The reason provided for this practice is if the number has been previously used for some reason, LIMS will skip the number so the staff need to research why the number was skipped.

**Note:** The review and registration of documents occurs by 5:00 pm the day after the documents are received. On average, approximately 28 documents are received in a day. There are many days (such as Fridays throughout the year or during peak periods such as the summer months) where on average, 50 documents are received in a day. If there is a large volume received in a day, it has a big impact on how the office operates. The Deputy Registrars will assist with examining to ensure all documents are reviewed and assigned numbers by 5:00.

4. The required information from the documents is data entered into LIMS. A Writ check for documents as indicated above is also performed at this stage. The new certificate and duplicate certificate, the Certificate of Charges in the case of a mortgage and, if requested, the copy for a Certified Copy of Title and the General Register Certificate (GRC) are printed. Two extra copies of the title are made for Property Assessment and the City of Whitehorse. The printed reports and titles are reviewed to ensure that everything for the previous title has carried forward. The data entry is normally performed by the assistant Deputy Registrars.

**Note:** The Receptionists and even the junior Deputy Registrar enter data in LIMS when required.

It normally takes five days from when the documents are received until the data is typed in LIMS but can vary from 2 days up to 10 days.

5. The final review and signing off are done by the Registrar or Deputy Registrar. The Registrar or Deputy Registrar reviews the documents for compliance.

**Note:** Although it does not happen very often, the Registrar could refuse to register a document at this stage.

A Writ search is performed in LIMS for those documents where one is required. The Registrar then reviews the new title printed for accuracy and compares it to the previous title, then reviews the data in LIMS. After this, he or she signs, initials and seals the new Certificate of Title. The previous Certificate of Title is initialed that it has been checked and updated appropriately (i.e., stamped "Updated" or "Cancelled") and the old duplicate CT is initialed. The status is changed in LIMS from "Assigned" to "Registered." The instrument is then signed, and the pink copy of the document registration request form is signed to be provided to the customer. The Registrar or Deputy Registrar also signs the back of the documents registered and the back of the copies of documents that will be sent to the customer along with the GRCs, Certificate of Charge, and initials the green copies of Titles that go to the City of Whitehorse and Property Assessment.

**Note:** The final review and signing of the new Certificate of Title takes between three and eight weeks to be completed.

6. The Registrar or Deputy Registrar provides this pink copy of the Document Registration request with the copies of documents and the certified true copy of title, GRC, and Certificate of Charge with all mortgages in the customer's box at the front of the office if they are a regular user. These documents may also be mailed to customers, and some customers request to be called to pick up their documents.

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## STAKEHOLDER ISSUES

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### LAWYERS

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#### 1. Delays in final registration.

The practice that has developed in the legal community is to close a land titles deal when the lawyer is provided with the provisional registration number rather than when the Certificate of Title confirming registration is received.

Note: The Land Titles Office is not mandated to maintain the service level they maintain (there is currently a 24-hour turnaround for issuing provisional registration numbers). In this regard, the lawyers in the Yukon enjoy one of the most consistent and quickest turnaround times in Canada, excluding jurisdictions with online registration.

The delay is in the final sign off and issuance of the Certificate of Title by the Registrar, which varies from three weeks to ten weeks. This impacts subsequent dealings with that title. Lawyers need to wait in order to register another instrument against it or to transfer that property. The LTO advises that lawyers are unable to receive a copy of the title but are able to view the title and able to register another instrument against the property and do so frequently.

The other issue the delay causes is lawyers' reporting to financial institutions. Banks have a timeframe for final reporting; for some it is 30 days or four weeks from when the funds are requested. If the title is not received to enable the lawyers to report, the bank will send a reminder. If the lawyer is not able to provide the report in response to the reminder, the bank will report the lawyer to the Law Society. As a result, lawyers will have to deal with the Law Society because of their inability to report (which is outside of their control) and is due to the LTO turnaround times.

The delay also affects developers' ability to sell condominium units.

#### 2. Communication and cooperation with staff.

The legal community is very frustrated with the Land Titles Office. The relationship between the two groups has become so strained that interactions often lead to confrontations.

The lawyers indicated that there is no willingness by the staff to assist lawyers to ensure documents have been properly prepared. They are told to submit and see if their transaction will register. In some situations (e.g., a \$10 million closing), a rejection can be very costly, but there is no willingness by the LTO to review for deficiencies ahead of time.

There is some uncertainty for the legal community regarding provisional and final registration. Lawyers release the funds when they are faxed the initial registration number, well before the Registrar has reviewed and signed off on the Certificate of Title. The LTO started striking out the word “registration” when it faxed back the number. There was no discussion with the legal community regarding this change, why it was being done, and what it meant.

This change was made by the LTO based on advice received from counsel for the Department of Justice. They did inform lawyers after the fact, at a continuing legal education seminar.

A major concern for the legal community is how the office handled a change to condominiums. The registry was accepting condo transactions a certain way for a period of three years. The legal services department at the LTO provided an opinion that these condominiums were deficient and did not meet the requirements for description of common elements in Declarations submitted under the *Condominium Act*.

The Registrar applied the new requirement retroactively and required that all the condominiums accepted and registered with these deficient declarations be amended. The Registrar researched how many condos needed to be amended, and was told (the inspector is not certain by who) that she could not inform the law firms that submitted the condos because of privacy concerns. The Land Titles Office sent letters to the condo owners and condo corporations informing them that they needed to hire a lawyer to amend the deficient declarations. The department agreed to cover the legal fees to amend.

One of the underlying premises of a Torrens system is certainty of title. It would be outside the scope of this report to comment on the legal authority of the office to require retroactive amendments to documents previously accepted and registered. However, from the perspective of certainty and customer service, this practice is not acceptable. Policy decisions and changes should be implemented on a go-forward basis and only after providing reasonable advance notice to customers.

Another example provided was a change to the way leases were registered. They were registered by way of a caveat versus a lease, which affected the way they could be discharged. LTO was provided an opinion that pursuant to section 82(1) of the *Land Titles Act*, the change was required. The legal communities concern is there was no opportunity for dialogue to discuss and understand the rationale for the change. The lawyers would like a mechanism for on-going dialogue and a forum to discuss and resolve issues.

### 3. Inconsistencies in processing and rejections.

There is a perception by the lawyers that rejections are arbitrary and that the rules keep changing. One lawyer commented that “it is very hard to play by the rules when you don’t know them or they are constantly changing.”

Numerous examples of rejections or changes were provided. Only a few will be mentioned in this report to illustrate the concern communicated.

- A transaction was rejected because the initials a lawyer used to indicate an alteration were not as swirly as her signature, or because the date was indicated as “Feb.” rather than “February.”

There is an appreciation and acknowledgment of the flexibility the current system provides to rectify errors caught by the LTO.

The Law Society or CBA should consider appointing a person to gather and document issues lawyers are experiencing in this regard. If the LTO aren't aware of inconsistencies it is hard for them to educate their staff to prevent further occurrences.

#### 4. Unnecessary scrutiny or review by the LTO.

The lawyers feel the level of scrutiny or review of documents that the staff is performing is inappropriate. They are examining whether an interest such as a mortgage is enforceable rather than whether it meets the legislative requirements to be registerable. Lawyers are concerned that the review goes beyond the form and into the content.

- One lawyer provided an example relating to collateral mortgages where the mortgage references the loan agreement for the payment schedule that the mortgage is securing. The Land Titles Office would not accept this because the prescribed form of mortgage requires a payment schedule, so customers are required to indicate on the mortgage “payment on demand” when the standard form and instructions provided by the bank do not require that information.

The LTO advise this practice has existed for seventeen years and is based on a legal opinion.

- Another example related to some Royal Bank mortgages that contain provisions that only apply if the property in question is a condominium. LTO staff members have required lawyers to remove these paragraphs if the property is not a condominium, which goes beyond a form review.

#### 5. Lawyers require LTO to have adequate legal support.

The lawyers require the Department of Justice to have experienced lawyers that are knowledgeable in land titles law. The lawyers feel that with that skill set, legal opinions will appropriately balance the integrity and public policy requirements of the registry with advancing economic development in Yukon.

The Land Titles Office has found that as the transactions and plans submitted to it become more complex, the need for legal advice on matters has increased exponentially, however the LTO has never enjoyed the benefit of dedicated counsel. The practice to date has been that at least one experienced lawyer (seven year call +) (over the last few years the practice

has been for two) with an interest and expertise in lands and land titles has been assigned to the lead on land titles matters however the assigned lawyer must also answer demands upon his or her time from other departments and branches.

6. Lack of a policies and procedure manual or other written guidelines.

No customer instructions or manuals exist. In recent years, the office has started issuing interpretive bulletins as matters arise. However, because there is a lack of documented guidelines, there are inconsistencies in how staff members approach requirements and rejections. Law firms have created binders of rejections to educate their staff.

7. Outdated legislation.

The biggest concern with the *Land Titles Act* is the process gaps not addressed by the legislation. The sentiment is that better defined processes would reduce the processing inconsistencies and number of rejections.

The *Condominium Act* does not adequately deal with bare land condos and does not provide for phased-in condominiums. This makes condominium transactions complex, time consuming and less certain for lawyers and developers.

8. An inability to search titles online.

The legal community would like the ability to search titles online. They are aware of the accessibility in other jurisdictions. They acknowledge that lately the response time for searches has improved, but say that it can be lengthy and inconsistent.

9. Loss of access to search titles in the vault.

The Land Titles Office had a process and gave customers access to the vault that contains the land titles records to perform their own searches. This practice was stopped because it was creating issues such as documents going missing or being misfiled. The legal community does not like this change.

Removing access to the vault is a sound decision and supported by practices in other jurisdictions. However, the staff has to be prepared to provide search service in a reasonable period of time, and in unique or complicated situations, they must be prepared to assist customers by providing various documents or make specific exceptions to the above rule.

If the Yukon moved to online searches and had the capability for scanning documents and providing customers online access to images, this would not be an issue.

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## SURVEYORS

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1. The Surveyor General's Office and the LTO are not cooperating and collaborating.

This can create issues for the surveyors, particularly when the Surveyor General and Registrar do not share the same view on an issue.

2. There are no established or published service levels.

The surveyors indicated a consolidation plan can take anywhere from three days to a month to be registered. (The LTO don't recall any survey plans taking longer than two weeks to register unless the plan was rejected.) If the surveyors call to find out approximately how long it will take, land titles staff will not tell them. The surveyors would like a system that is more transparent. Natural Resources Canada has an online system so the status of a plan and its location in the queue can be tracked.

3. Communication and cooperation with staff.

The surveyors do not feel the LTO staff members are as helpful as they could be to them or to the public. For example, when a surveyor would like assistance with what is required on a particular affidavit, he or she will be advised that staff cannot help because they cannot provide legal advice. However, the staff have no issue with later examining the affidavit and rejecting it for not being prepared properly.

4. Inconsistencies in processing.

Surveyors have experienced situations where they have prepared a plan for a developer following the established practice, only to have it rejected and be notified that the practice is no longer acceptable. This makes it very difficult for the surveyors and the developers and creates uncertainty.

5. Require comprehensive legal support.

The surveyors feel the LTO needs a lawyer in the office. They do not feel that the Registrar has adequate access to legal support to interpret the legislation and resolve issues. The Registrar also shares this concern.

The surveyors view the legal interpretations in the past couple years has been more restrictive. Further, their perception is that if the legislation does not speak to a topic, the legal view provided is that there is no authority to accomplish what is requested. Before, if the legislation did not address an issue, a more pragmatic approach was used and looked for ways to accomplish what was necessary.

6. Unnecessary scrutiny or review by LTO.

Surveyors acknowledge that the Registrar does catch errors that are helpful, but also feel that she is rigid in her examination and will request corrections that are not substantive or useful.

7. Lack of policies and procedures manual or other written guidelines.

See comments above.

8. Outdated legislation, which is particularly problematic with condominiums.

They surveyors feel that there is a need for legislation that supports business and promotes development in the Yukon rather than preventing business.

The *Condominium Act* needs to provide for phased condos.

9. An inability to search titles online.

Turnaround time for searches is inconsistent. If surveyors could search online they could determine things such as whether a lot has been titled and whether easements are registered against a title.

10. Easement issues—acceptance of sketches from Yukon Electric in contravention of the *Canada Land Survey Act*.

The *Canada Land Survey Act* requires a Canada land surveyor to create a sketch for an easement's boundaries, but the Land Titles Office will accept sketches not prepared by a Canada Land Surveyor.

11. Deferred monument postings are not currently permitted in the Yukon.

Surveyors put monuments in the ground and the utility companies knock them out. The surveyors need to go back and put them in a second time which is expensive for them to have to do. Many other jurisdictions, such as BC, Alberta, Saskatchewan and the Northwest Territories (NWT), allow for deferred monuments. In NWT, where plans are under federal jurisdiction, as they are in the Yukon, this is permitted through the *Land Titles Plans Regulations* under the *Land Titles Act*.

12. Water exclusions from Crown grants.

One surveyor raised a concern with the fact that the reservation and exceptions contained in the original grant of the land from the Crown are not carried forward and listed on title. The bottom of title references s. 67 of the *Land Titles Act* and indicates the exceptions every title is subject to.

Historically, these exceptions have never been provided on the title. A person does have the ability through searching the Crown grant to determine the reservations and exceptions, but



it takes more time. The cost of including this information on the title would outweigh the benefit to customers of not having to search the grant for this information. Although the volume of grant searches for this information is not known, the inspector suspects that the volume does not exist to warrant addressing this concern.

If the ability existed for customers to search and view grants online, it is suspected that this would become less of a concern.

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### SURVEYOR GENERAL BRANCH – NATURAL RESOURCES CANADA

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1. The Surveyor General and the LTO are not working as partners in property rights in the Yukon. They need to communicate and collaborate to make the process more efficient and ensure better integration between the two.
  - Staff members in the Surveyor General Branch indicate they were not consulted when the LTO implemented the reminder lot interpretive bulletin, even though they were affected by it. Staff members asked the LTO for clarification, which they did not receive. Consequently, when surveyors inquire to the Surveyor General Branch regarding the issue, they are advised to contact the Land Titles Office.
2. There is no expiry for plans not acted upon. Subdivision plans are filed and sometimes titles are never raised. The survey cadastral is updated with the survey plans and the online map browser shows the lots as active surface parcels. However, there is no link to ownership, and if someone searches for the title or the plan, a title will not exist or will still be titled under the former plan. This results in an inaccurate representation of the status of the land.

In other jurisdictions, once a subdivision plan is registered, there is a prescribed timeframe in the legislation for titles to be raised before the plan expires. There are also processes to extend the time prior to the expiry and the ability to resurrect the plan. The Yukon should consider amending the legislation to address this issue in a manner that is similar to other jurisdictions.
3. The Surveyor Generals branch is also concerned about the lack of legal support provided to the Land Titles Office and would like the ability to collaborate more with Legal Services to ensure that land issues that impact both the plan and title are resolved.
4. There are concerns with surveyed easements that are not registered as encumbrances on title. Customers will look at the survey plan and see an easement, however no corresponding encumbrance is registered on title.

This situation occurs in other jurisdictions. There are two potential methods of dealing with this issue. The first option is to not “police” easements and let the holders of the interest

worry about whether they have done what they need under the legislation to adequately protect their interest. This is the approach used in Saskatchewan, with a mechanism to cancel the easement plan and remove it from the survey fabric.

The second option is to change the legislation to require an interest to be registered on title within a specified timeframe, or the easement plan will be cancelled. Regardless of which option is chosen, consultation should occur with all the impacted stakeholders to determine which resolution best meets the needs of the land registry and its customers.

5. Under the *Canada Land Surveys Act*, easement sketches must be prepared by a Canada land surveyor. However, the Yukon Utility Company prepares its own easement sketches which are accepted by the Land Titles Office. They researched the issue and despite the fact the federal legislation had this requirement, the LTO did not feel that it had the legislative authority under the territorial legislation to refuse to accept them.

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## REALTORS

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1. Turnaround time for searches.

The direct interaction that most realtors have with the LTO is limited to searching titles when listing properties. The biggest issue is turnaround time for searches. There are occasions when it will take up to a month to receive a search. They acknowledge this has improved recently and that searches are received within a few days.

2. They would like the ability to search titles online.

It would save realtors time and money to be able to search the titles online, at their convenience, rather than driving to the office and dropping off a title search request and then returning to pick it up.

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## APPRAISERS

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1. They would like ability to search titles online.

Appraisers perform searches of titles for property when preparing an appraisal report. It would be helpful if they had a more efficient way to access titles.

2. Appraisers would like reports from land titles on what property has transferred and the value of the transferred titles.

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## CHAMBER OF COMMERCE

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As a result of growing frustrations with the land titles regime in the Yukon and a lack of responsiveness and commitment from the Department of Justice to address the issues, stakeholders sought the assistance of the Chamber of Commerce to provide land titles stakeholders with a forum to speak in a unified voice.

The stakeholder group had representatives from the customer groups listed above, therefore only issues not mentioned previously are included in this section.

- The Land Titles Office is running out of space in the vault for document storage. Customers are concerned about the LTO's ability to handle new the files for new developments if they are out of space.
- Document backup is done by microfiche, an outdated means of backing up records. Stakeholders would like to see documents scanned/imaged for backup and electronically accessible online.

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## LAND TITLES OFFICE CONCERNS AND REQUESTS

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- Would like documents digitized and online search capabilities. This would make the office more efficient, bring them in line with other jurisdictions and increase customer satisfaction.
- Concerned regarding stakeholders perceptions that decisions made are capricious. The Registrar acts on legal advice provided. The office feel caught between requests of stakeholders, the requirements of the Act and the pressure to speed up registration.
- System revamped or new system that permits online submission of transactions which are validated prior to submission, or allows transactions to be automatically registered.
- Financial software package for billing. Customer billing is currently a manual process performed two days each month.
- Streamline the process to remove redundant steps, including initialing every interest on titles and eliminating the requirement for signatures.
- Succession issues – the ability to attract and retain staff with land titles knowledge. It takes significant time to train staff.
- Discontinue the “on hold” document process.

- "On Hold" documents are submitted and are given a date the next day but no time number (these documents are put at the back of the pile). Law firms then fax notices to remove the hold, or may not remove the hold until the next day.

The Registrar feels this causes extra work and is one of the reasons that the LTO's process has slowed down. Some days "on hold" documents make up 25% of the documents submitted. Often the holds are removed at the end of the day and the office is scrambling to "assign" numbers, particularly on Fridays.

- Resource requests:
  - Surveyor in office – handle filing of plans and answer surveyors questions
  - Another Deputy Registrar with Land Titles experience
  - More support or access to a lawyer with Land Titles knowledge

## AREAS TO ADDRESS

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The Government of Yukon has made no significant investments in the land titles regime, resulting in neglect of policy, process, and consequently customer satisfaction. The registry has fallen behind other jurisdictions in terms of functionality. This is recognized by the Land Titles staff, who has requested changes to legislation, additional resources to keep pace with the increased volumes, newer technology to become more efficient. Until recently, these changes have not been a priority for the Department of Justice or the Government of Yukon. While other priorities are addressed by the Government, the registry has deteriorated to the point where no one is satisfied with the services they receive.

The registry consistently loses money despite increased volumes and property values. The average house price in Whitehorse has increased 91.4 percent from fourth quarter 2005 (Yukon Bureau of Statistics, Information Sheet No. 57,-Feb 2012). Transfer and mortgage fees are based on the value of property or mortgage amount, resulting in higher fees as values increase.

Each document registered goes through five separate steps and is handled by up to five different people. Yukon's land title fees are among the lowest in Canada. It is apparent that the government is not recovering its cost of delivering services, particularly in light of inefficient processes coupled with some of the lowest land registry fees in the country. For example, the price for a discharge is \$5.00, while the process requires five handoffs. A volume increase in these types of registrations increases the losses to the organization. Most jurisdictions that have modernized and automated have one or two staff reviewing a document for registration. In some jurisdictions with online registration, certain types of transactions register automatically without human intervention.

There is a disconnect between the customers' perception of the staff and the staff's perception of their treatment of customers. The staff members feel that they bend over backwards for their customers, answer their questions, train their conveyancers, and that the level of assistance they are asked to provide is often unfair and crosses the line into legal advice. Customers feel staff members are unwilling to assist and do not have a cooperative attitude. While changes to legislation, technology and process can be made, challenges will remain in serving customers unless inroads are made by both parties to continue the dialogue to seek meaningful solutions.

Stakeholders who have met with the inspector have expressed positive optimism as a result of the dialogue that has been initiated as a result of this exercise. Many of the stakeholders acknowledged that since the problems have become public, they have noticed positive changes in the Land Titles Office. Stakeholders reported the issues became prevalent approximately 6 years ago. Even though the customers are dissatisfied with the level of service and complain about the attitude in the office, many of them are empathetic towards the land titles staff. They recognize that many of the issues have been outside of the staff's control to remedy. It is important that the Government and Department of Justice continue to engage stakeholders in meaningful dialogue to ensure a balanced perspective on issues and proposed solutions.

There needs to be a commitment from senior management for a customer service culture to develop. Organizations that value customer service have mechanisms in place to support it such as: providing customer service training to their staff; measuring customer satisfaction through surveys; implementing a formal process to regularly engage with and listen to customers; and most critical, demonstrating commitment through delivering solutions which are responsive to their needs. Ongoing two-way dialogue between customers and those responsible for Land Titles will go a long way to improving relations.

The Government needs to invest in new technology to make the Land Titles office more efficient. The current technology is outdated and as a result, the processes are cumbersome, time consuming, inefficient and costly. New technology and processes will need to be supported by new legislation. Revamping legislation to support a modernized land registry may take from two to five years to complete. In the short- to medium-term, the ability to provide online access to title information should be explored. This was requested by every stakeholder group and although it would not significantly improve the land titles back office processes, it would go a long way in easing customer pains. The data to accomplish this exists in electronic format in LIMS.

Resources need to be added to the office until such time as a new system and processes are implemented and efficiencies are realized. More staff will alleviate some of the immediate volume pressures and delays, ensure capacity for modernizing, and perhaps assist with succession planning. Further, if some of the pressure related to the delays is removed, the staff will have the ability to assist customers in the manner customers are seeking.

The office needs to start documenting policies and procedures, both for the benefit of internal staff and other departments. In addition, if customers are able to access materials and educate themselves, they will become more self-sufficient. For instance, rather than explain the same

process or answer the same question multiple times, the LTO should take the time to create a support document that customers are able to refer to. This will create some of the certainty customers require and ensure more consistency within the office.

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## RECOMMENDATIONS

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### PROCESS RECOMMENDATIONS

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1. The assigning of the registration step should be combined with the data entry or typing in LIMS step. This may mean an increase in the time it takes for a law firm or other customer to receive the faxed provisional registration number (which currently is provided within 24 hours) but may result in a quicker final registration time. This could be implemented on a pilot basis for a period of three months to assess if it has a positive impact of the delays.

If the person who assigns the number also does the typing, the review of the documents will be fresh in his or her memory which may speed both the typing process and the review of the titles printed. This would also eliminate one of the additional reviews performed. Combining this process would also eliminate one of the writ checks (discussed below).

Normally five days have elapsed in the current process. Thus, even if the same person who originally reviewed the documents for assigning the registration number then types it, that person is reviewing the documents twice.

It is recognized this will not change the time it takes for the Registrar or one of the Deputy Registrar to review and sign off. However if it normally take 24 hours for the review and assigning of the provisional number, 5 days for it to be typed and another 2 weeks to be signed off. Implementing this change could result in 36 hours for the provisional number and typing but reduce the final signing off by a week.

Lawyers would need to submit documents sooner to accommodate the longer provisional time but this would be consistent with the practice of lawyers in other jurisdictions where the practice of provisional numbers doesn't exist.

2. The Registrar should sign the title signifying his or her review and approval of the title and listed interests and discontinue initialling all the interests listed on the title.
3. The LTO should only perform one or two writ of execution searches rather than four. There is no need for four people to perform the same writ check. Have one performed by the examiner and/or the Registrar when signing off, and not by the person assigning the provisional registration number or the person doing the data entry in LIMS.

The Registrar has indicated that if the examiner misses a writ, and the assigner does not check before providing the assigned number, the lawyer would not become aware of the writ until three weeks later (or possibly longer) when the Registrar catches it. This could be problematic, particularly if the lawyers have released funds. However, this concern begs the

question of why the Registrars check, because if one is caught at this final sign-off stage then the same problem as raised above exists – funds have already been released.

The business risk of missing a writ and having to pay a claim has to be assessed against the cost of having multiple staff review for the same thing.

4. The Certificate of Charge requirement should be removed from the legislation. This is an extra document that the staff prepares, and it is unnecessary. The Certificate of Charge is prepared for the mortgagee to show any previous encumbrances on the title before the mortgage. The Certificate of Title shows all the same information regarding previous encumbrances.
5. Land titles staff currently capture the date that an instrument is executed both in LIMS and on the Certificate of Title. There is no legislative requirement for recording the execution date of the instrument. The legislation specifically provides that the time of registration is determinative for priority between mortgagees and transferees, not the execution date of the instrument.
6. Consider discontinuing the practice of providing the assigned number to customers prior to registration. This should only be done after extensive discussion and consultation with stakeholders, particularly the legal community. This change may allow the office to reduce the number of people working on each document before it is registered. The staff may have more confidence in only having two people review the same work prior to registration.
7. To provide more consistency in processing and lessen customers' concerns regarding unnecessary and trivial rejections, consider having the Deputy Registrars review documents that the examiner feels should be rejected prior to faxing the customers. However, this may lead to a greater delay in eventual registration since most of the delay occurs between the typing stage and registration by the Registrar or Deputy Registrars.
8. Consider having regular staff meetings to discuss policies or processes that are problematic and ensure that all staff are consistent with their understanding of what customers need to provide and how to process certain types of transactions.

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### STAFFING RECOMMENDATIONS

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Note: The same person may perform a number of the below recommended functions. For example since a high percentage of work is submitted by lawyers, the lawyer hired may serve as the office's legal resource, and the customer advocate as well as create needed documentation.



## 9. Legal position

The Registrar in the Yukon is not a lawyer. The Yukon is the only jurisdiction in Canada without a lawyer in the Land Titles Office. This is not to suggest that the Yukon should require its Registrar to be a lawyer. The current Yukon Registrar is very knowledgeable.

Real property law has three sources: statute, common law and the law of equity. Real Property transactions are legal by their nature and involve legal concepts. The Registrar is supported by a lawyer within the Legal Services Branch, however the Land Titles office is only one client in its portfolio of government offices to serve. The current lawyer advised that they are not able to keep up with the inquiries from the Registrar.

It is clear that the Land Titles office needs better legal support. When Saskatchewan had a system more similar to how the Yukon operates today, its Registrars were not lawyers. They managed the office and provided subject matter expertise to the staff. Saskatchewan had a legal position called a Master of Titles. This position was responsible for the legal direction and interpretation of the land registry. This ensured that the practices of the office were in compliance with the legislation and dealt with escalated issues from customers (mostly lawyers).

Today in the Yukon, if a lawyer raises a legal issue with the Registrar, the matter will be referred to the assigned Justice lawyer for an opinion. The Registrar relays what she has been advised, and there is no opportunity for a dialogue or discussion of the legal concepts between the lawyer and the lawyer for Justice.

Further, once the Registrar has a legal opinion, she has limited legal support regarding the implementation of the opinion if it results in a policy or process change in the office. This creates further issues for the office.

A lawyer working closely with the Land Titles Office could assist with the documentation that is lacking. This would reduce the number of inconsistencies in rejections, and it would also help staff to better understand what minor errors do not affect the registration of the document. They could also provide more clarity and guidance to the staff with what customer assistance constitutes legal advice and what is simply helping a customer submit a transaction that is registrable. Without a good understanding of the legal concepts behind the requirements in the legislation, there is a tendency to rigidly adhere to certain long-standing practices.

Initial items requiring further legal research are:

- What constitutes legal advice versus appropriate customer assistance?
- Examination of the liability of registering a deficient or invalid interest. This may inform the level of examination required for interests such as a mortgage. (For example, does staff need to ensure that there is an interest rate and payment schedule?)

## 10. Customer Advocate

The Yukon should consider creating a term Customer Advocate position. The relationship and trust between customers and the staff of the Land Titles Office has become strained. At the stakeholder meetings, the frustration was palpable.

The Customer Advocate would be responsible for working directly for customers and being the internal voice of the customer. This is similar to the Workers Advocate that many Workers Compensation Boards have or a form of an Ombudsmen.

It would provide an impartial person who was not part of the registration process to hear a customer's concerns (whether it be systemic or on how a particular transaction was handled) and then find out the LTO's rationale and act as a form of a mediator.

The role would ensure customer concerns are heard—both reactively and proactively. This feedback is important in shaping the processes and services.

Duties might include:

- Helps identify priority issues for customers
- Visible, internal voice of customer
- Ensure customer service is provided by all the Land Titles staff via consistent information provided in a timely, predictable manner
- Responding to Ministerial Referrals
- Logging all issues/complaints received
- Handling escalated calls from irate customers

Saskatchewan implemented this position at a time when its Land Registry was losing money and experiencing many customer complaints. Saskatchewan found it to be an effective way to demonstrate to its customers that it was committed to improving customer service. It helped ISC obtain the information required to address customer issues and improve customer service.

## 11. Trainer position

The Yukon should consider having a person to conduct land titles training internally and externally. This position could be self-funding through charging registration fees for customers to attend the external classes. Courses can be offered by certain topics (e.g., tax enforcement or easements) or for specific customer groups (e.g., conveyancers or surveyors).

Staff currently spends time away from registering documents to assist new conveyancers or training internal government departments such as the Lands Branch of

Energy Mines & Resources. This position would develop course curriculum, training materials for the courses and deliver training sessions.

This position would ease some of the immediate pains and would be in place for any training required if the Yukon was able to implement online searches, and eventually with the modernization.

## 12. Surveyor

The land titles office in the Yukon is more involved in registering plans than what occurs in the provinces. Territories' land titles offices appear to perform a more in-depth review of plans, such as reviewing the scale, dimensions of lots and total area. In the provinces where the survey approval process is under provincial jurisdiction, this type of review is left to the survey approval process and is not reexamined by the Land Titles office. In some jurisdictions, the Land Titles offices have the Chief Surveyor located in the same office. Requests by surveyors for changes like deferred monuments would be handled through survey legislation rather than through the *Land Titles Act* regulations.

The integration between the federal government and territorial government is not seamless because of each having jurisdiction over different parts of the process. The Surveyor General's approval of plans is about the survey fabric and cadastral, so it may not be concerned in its approving process about and how it impacts Land Title's ability to raise titles for ownership.

The Registrar expressed a need for a surveyor in the office. When the inspector asked, the stakeholder groups felt the need for a lawyer was more pressing, but some agreed that a surveyor would be useful.

It was suggested by the surveyors that it would be beneficial for the Government if a surveyor was hired to service multiple government departments such as Land Titles, Lands Branch, and Highways.

This may help with the delay in the registration of plans, and particularly with the backlog of the Surveyor Generals branch depositing the First Nations Settlement plans. It may also assist with the relationship with the Surveyor Generals branch and the local surveyors.

The territorial government may also want to consider whether to have jurisdiction over plan approval for territorial lands.

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## TECHNOLOGY RECOMMENDATIONS

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### 13. Security in LIMS

The lack of security in LIMS has resulted in the redundant checking of data entered and documents printed, slowing down the process. The staff continues to rely on manual processes such as stamping cancelled titles and hand writing instrument numbers and the new Certificate of Title because they do not trust the system.

Since LIMS is likely to be used for another two years, it is recommended that this be rectified immediately. Another factor for fixing this problem (even if there will be a move to a new system) is the quality of the data which will need to be converted for use in another system.

### 14. Online Searching

Every stakeholder group would like the ability to search land title information online. The LTO has approximately 2 staff members that fulfill The ability for customers to access this information on their own could free up an estimated 1.5 full time equivalent in the Land Titles Office to perform higher value work.

With the implementation of LIMS, the data exists in electronic format to enable online access. A user-friendly web interface using LIMS and payment functionality is required with payment collecting capabilities. The Yukon should explore what has been developed in other jurisdictions and whether it could leverage their technology (e.g. shopping cart style software exists which may be utilized for billing/payment functionality).

In the event the accuracy of the data in LIMS or the ability to transfer the data from LIMS presents issues, an on demand scanning service could be explored. Certificate of Titles and Instruments could be scanned and indexed by title and instrument number and made available online for customers to view and print upon request. This technology is widely available and used by Land Titles in other jurisdictions.

Making title information available online will address a customer need and lessen the workload for the office, although marginally. It will not address the delay and cumbersome process that exists for registering documents.

### 15. Replace LIMS

LIMS is outdated technology that has not automated or streamlined processes. The legal community is wary of the Yukon moving to online registration, however without improving the backend system used, Land Titles will not accomplish the efficiencies achievable with modern technology, and customers will be unable to enjoy quicker and more consistent turnaround times. It should be noted that not all jurisdictions that have modernized have moved to online registration.

There are many advantages in being one of the last jurisdictions in Canada to modernize. The Yukon can benefit from the lessons learned by others and should be able to modernize in a shorter period of time and for less cost. However, it will still take a significant investment and effort to update the legislation, processes and technology.

The Yukon does not have the volumes to likely warrant the cost of custom building a new system. The Yukon should research what is available to purchase from the other similar jurisdictions, most notably in Canada as the bulk of land registries are Torrens-based. It should also explore what other technology delivery models may be available and viable, such as Application Service Provider (ASP) or Software as a Service (SaaS) delivery model or sometimes now referred to as Cloud Computing model. The SaaS model can be extremely appealing to smaller organizations because of its many business benefits including - typically no large initial capital investment for software and services, a more predictable monthly operating expense, faster time to market, to name only a few key benefits.

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## CUSTOMER ENGAGEMENT

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### 16. Customer Engagement

Meaningful dialogue with Land Titles customers will not only enhance the relationship, but may improve the perception of the registry overall. Ongoing dialogue is important, not only for input on the Yukon's modernization project, but also for the identification, prioritization and resolution of systemic issues that have been raised.

A good first step would be to group the Registry's customers by industry, forming subsets of customer teams representing each industry. Engaging with a subset of industry customers should provide a thorough perspective of the issues and needs of all customers in that industry as it relates to the services provided by the Registry. For example, relevant industries may be the legal profession, financial services including title insurance companies, municipalities and property assessment, resources-based companies, utility and pipeline companies, and government organizations. Formalizing these committees will provide a structured forum for ongoing stakeholder engagement and can be leveraged when discussions on policy and process changes occur regarding modernizing the registry.

The Yukon needs to make a concerted effort to listen to customers' needs, to understand their unique processes, and be responsive to their concerns. The Yukon would be well advised to work with its customers on resolution of issues in service provision. By continuing to engage its customers in the planning process of any change that will impact them, the likelihood of successful implementation will be enhanced, and negative impacts will be minimized.

This process will also ensure that customers understand the factors and considerations that Land Titles must balance. Engaging customers does not mean saying yes to every request--it

means having a healthy dialogue to understand each other's perspectives and finding the balance between the policy requirements of the registry and the practicalities of conducting business.

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## WRITTEN GUIDELINES

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### 17. Develop written procedures and policies

There is very little written material for external or internal use. Considering the length of operation of the Land Registry in the Yukon, the lack of formal documentation is surprising. Former legal opinions and practices are not in writing, and there is no internal training and procedure manuals do not exist.

Outside of the legislation, a few interpretive bulletins and typed guidelines, customers are left to themselves to determine what is required which often leads to a trial and error process of submitting and figuring out what is required through rejections.

The lack of documentation leads to inconsistencies in processing by the staff and frustration by stakeholders in determining what is required.

There is concern by the Government that this work will be lost when it updates the legislation and modernizes the system. The type of information and guidance that would be provided would unlikely change or may be codified by the new legislation. Having it documented will assist in creating the new legislation and in assessing whether something should remain status quo or not. Formal documentation will also assist with succession planning issues, as policy, procedures and processes are documented and continue to exist when knowledgeable workers retire.

Modernization is going to change the method that may be used to submit a document, but will not change all the documents and substantive law around them. For example, the requirements of a transfer or mortgage are unlikely to change substantially.

Some recommendations for starting documentation are:

- Ask stakeholders such as the lawyers to put together a list of priority topics they require guidance on.
- Review rejections to determine top rejection reasons to provide guidance to reduce rejections.
- Consider high volume and time consuming information requests. (For example, the Registrar advised that she receives many calls regarding tax enforcement.)

#### 18. Protocol for Information Bulletins

Ensure that customers are aware that this protocol exists for their review and comment on interpretive bulletins. It is recommended that the turnaround time for stakeholders comment be increased to at least 14 days. The current protocol is seven days which is a quick turnaround time for comment, and the Registrar has 14 days to publish, so a consistent time frame for both would be courteous.

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### MISCELLANEOUS

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#### 19. Increase fees

The Yukon is one of the jurisdictions with lowest land titles fees in Canada. During stakeholder interviews, some Customers mentioned that they would be prepared to pay higher fees for better services.

The Yukon could increase the price of a search, for example, to help fund providing searches online. Many customers are willing to pay extra for the convenience of accessing documents online when compared to the time it takes to physically go to the office to request the search and return to get the search results.

#### 20. Transparency in cabinet approval process

Although this issue is outside of the scope of this report, it merits mentioning. The confidentiality of the legislative process is causing customers to feel that the Department of Justice is being unresponsive to their issues because there is no awareness of the work being conducted to address them.

There must be a balance between cabinet confidentiality regarding legislative changes being considered and customer awareness of the work to address their concerns. The models utilized in other jurisdictions should be explored to see if a better balance can be achieved.

## MODERNIZATION CONSIDERATIONS

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- Remove duplicate certificates of titles.
- Remove requirement for Land Titles to examine affidavit under *Family Property & Support Act*.
- Put onus on customers to ensure that interests are legally valid and remove detailed examination.
- Consider providing electronic data files to the City of Whitehorse and Property Assessment, discontinuing the practise of providing copies of titles.
- Ensure that change management as a discipline is embedded in the initiative. While not all changes may be positive, it is easier to manage change if it has been properly scoped and planned for.
- Need strong involvement from employees and customers. Their input will increase their comfort and reduce resistance to the change.
- Ensure there are sufficient resources in the LTO and assigned to the project
- Ensure there is sufficient funding (In 2000 Saskatchewan's modernization project cost approximately \$58.5 million - including software, conversion, legislation and organizational readiness (the software component cost \$12.5 million)).